

IN RE: PETITION FOR VARIANCE
E/S York Road, 100' S of
Regester Avenue
(6805 York Road)
9th Election District
4th Councilmanic District

Stone York Limited Partnership
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-64-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6805 York Road, located between Regester Avenue and Murdock Road in Rodgers Forge. The Petition was filed by the owners of the property, Stone York Limited Partnership, by Andrew J. Georgelakos, Partner, and the Contract Lessee, Baltimore Bagel Company, Inc., by James Thomas, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the required 41 spaces and to amend the previously approved site plan in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James G. Thomas, Jr., President, Baltimore Bagel Company, the Contract Lessee of the subject site, James Matis, Professional Engineer who prepared the site plan for this property, Robert Smith and Mark Andrews. The Petitioners were represented by Robert A. Hoffman, Esquire. Appearing in opposition to the request were Charles Whittington, Stephanie Rohe, and Jim Dobson, residents from the surrounding community.

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Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.19 acres, more or less, zoned B.L.-A.S., and is improved with a two-story brick and block building which houses a variety of commercial uses. Included among those uses is a restaurant/carry-out establishment known as Harry Little, a computer and video store, a hair salon, business offices, a dry cleaning business, another restaurant known as Hoang's, and the Baltimore Bagel Company, trading as Charm City Bagels, which occupies approximately 1,915 sq.ft. of the subject building. The first floor of the building is occupied by the Baltimore Bagel Company, and the adjacent restaurant known as Hoang's, which also occupies 1,915 sq.ft. The second floor of the building is utilized as general office space and consists of 1,572 sq.ft. The building has a basement which is used for storage purposes only and consists of 2700 sq.ft. As a result of a complaint filed against the owner of the shopping center for insufficient parking, it was discovered that the Petitioners lacked the required number of parking spaces for their use on the property and that a variance was necessary in order for them to continue their operation on the premises.

Appearing and testifying on behalf of the Baltimore Bagel Company and in support of the request was James G. Thomas, Jr. Mr. Thomas is the President of the company and both owns and operates the business at this location. Mr. Thomas testified that he has operated his bagel business from the subject site for approximately the past nine months. He testified that he and his investors performed substantial renovations to the subject property in order to build out the 1,915 sq.ft. of leasable space into a bagel shop. Mr. Thomas testified that he presently employs 13 individuals who work for him over the course of the week and that his hours of operation are 7 days a week, from the early morning hours to late

afternoon. Mr. Thomas testified that his business is not open for dinner or in the evening hours.

Mr. Thomas testified concerning the revenue he has earned up to the date of the hearing. His statistics and records show that 78% of all his business is carry-out. The Petitioner does provide tables and chairs within the store for patrons to sit and dine. Photographs of both the interior and exterior of the bagel shop were submitted into evidence as Petitioner's Exhibits 3A and 3B. At the present time, the Petitioner has 30 chairs, some of which are located outside the bagel store on the sidewalk. Mr. Thomas indicated that many of his patrons will make their purchases and sit for a few moments, long enough to consume their meal and converse with friends or read the paper. Mr. Thomas wishes to continue this seating arrangement in that he feels it best serves the needs and desires of his customers. Mr. Thomas also submitted a Petition of Support which was signed by 840 individuals who are neighbors and community residents from the surrounding area. The Petition indicates that these individuals are in favor of the bagel shop and the variance to parking regulations. Furthermore, Mr. Thomas met with and obtained several letters of support from the surrounding community associations. Submitted into evidence as Petitioner's Exhibits 5A, 5B, and 5C were letters from the Greater Towson Council of Community Associations, Inc., the Anneslie Community Association, and the Rodgers Forge Community Association, all of whom support the request for variance, provided certain terms and conditions are placed upon the use of this property.

Mr. Thomas admitted that the parking arrangement for all of the businesses at this location is at a premium. However, he testified that his customers as well as his employees and the patrons of the other busi-

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Date 11/14/19
By [Signature]

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testimony showed, that many people from the surrounding community walk to the businesses at this location. However, many others do drive to the property, and therefore, take up parking spaces.

In further support of her position, Ms. Rohe submitted into evidence as Protestant's Exhibits 5A through 5G, various photographs of the surrounding area which show that all available parking is utilized. She further testified that parking for all of the businesses in this area is at a premium and pointed out that Mr. Thomas has been inconsistent in disclosing the number of seats he intends to provide for his customers. Ms. Rohe submitted into evidence as Protestant's Exhibit 3, a copy of the food service permit application filed by Mr. Thomas wherein it is indicated that seating for up to six customers will be provided. Ms. Rohe also submitted into evidence as Protestant's Exhibit 1, a copy of Mr. Thomas' building permit application, wherein it is indicated that no seating would be provided on the premises, only carry-out service. Furthermore, submitted into evidence as Protestant's Exhibit 2 is a copy of an article that appeared in the Towson Times which states that the Petitioner intends to provide seating for up to 30 customers. Ms. Rohe believes that Mr. Thomas has not been forthright in disclosing the number of seats he intends to provide at his business, and she believes that this issue should have been resolved prior to the opening of the Charm City Bagel Shop. Ms. Rohe also submitted a Petition which had been circulated among the various other business owners and operators in this area, all of whom signed in opposition to the granting of the variance. Ms. Rohe testified that her objection to the granting of a variance is consistent with that of the other business owners in this area and that her primary complaint is that the Charm City Bagel Shop monopolizes the limited number of parking spaces

that is available to all of the businesses at this location. She is therefore opposed to the granting of the variance and believes that the Petitioner should not be allowed to provide seating in his restaurant.

Mr. Charles Whittington, a nearby resident on Kingston Road, also appeared and testified in opposition to the variance. Mr. Whittington is concerned over the encroachment of commercial uses into the surrounding residential neighborhoods. He testified that individuals visiting the area for business as well as pleasure have double-parked along York Road. He is opposed to this commercial encroachment into his residential community and believes that these businesses should be kept in check.

In deciding whether a variance to parking requirements should be granted, the first issue to be determined is what type of restaurant use is being operated at the subject location. The Petitioner argued that his use is a carry-out restaurant and meets the definition of same as found on Page 1-26 of the B.C.Z.R. The Protestants assert that the Petitioner is operating a standard restaurant, as that term is defined on Page 1-26A of the B.C.Z.R. The classification of the restaurant type is important in that the amount of parking required is determined by the particular type of restaurant use. For example, the number of parking spaces required for a carry-out restaurant is 5 spaces per 1,000 sq.ft. of gross floor area; however, the parking requirements for a standard restaurant are 16 spaces per 1,000 sq.ft. of its gross floor area.

Section 101 of the B.C.Z.R. defines a carry-out restaurant on Page 1-26 as "An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or fax machine and whose principal characteristic is that food and beverages are consumed off the premises."

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Date 1/14/97
By [Signature]

Testimony offered by the Petitioner was that 78% of his customers take their purchases off the premises for consumption. Furthermore, there are no waiters or waitresses to take orders from patrons who are seated within the restaurant. Finally, the product offered for sale is "ready-to-consume food" which is ordered over the counter within the Bagel Shop.

After considering the testimony and evidence offered by the Petitioner as well as the Protestants, I find that the business operated on the subject property by the Baltimore Bagel Company, is that of a carry-out restaurant, as that term is defined in the B.C.Z.R., and as such, that use of the property requires a minimum of 5 parking spaces per 1,000 sq.ft. of gross floor area.

The Protestants argued that inasmuch as the Petitioner provides seating within his restaurant, it automatically prevents him from being considered as a carry-out restaurant. However, nowhere contained within the definition of a carry-out restaurant is there a restriction or prohibition on providing seating. Therefore, I believe it is permissible for a carry-out restaurant to have a limited number of seats for its patrons. It is also important to note that each case is decided based on its own merit. In my opinion, based on the facts and evidence presented, the use of the subject property by the Baltimore Bagel Company as a carry-out restaurant applies only to the Petitioners in this case. Other such businesses may differ somewhat from the operation of this particular establishment and therefore, cannot benefit from the decision rendered in this matter to classify the Baltimore Bagel Company as a carry-out restaurant.

Having determined that the Bagel Shop is a carry-out restaurant, the regulations require that the Petitioner provide 5 parking spaces for every 1,000 sq.ft. of gross floor area. Inasmuch as the Petitioner occu-

pies 1,915 sq.ft. of space, he must provide a minimum of 9.58 parking spaces, or 10 spaces total. The site plan and testimony offered revealed that the Petitioner only has 4 parking spaces available on-site. Therefore, a variance of 5.58, or 6 parking spaces is necessary, and as such, the Petitioner's request for variance is appropriate.

As stated previously, the testimony and evidence offered in this case involves the Baltimore Bagel Company operating as Charm City Bagel Company. The decision rendered in this matter shall only apply to the Charm City Bagel Company, and not to any other tenant of the subject building.

At the conclusion of the hearing in this matter, I indicated that I would personally make a site inspection of the property and on seven separate occasions, I visited the Bagel Shop and surrounding businesses. I visited both during the morning hours and lunch time hours, and made one inspection and visit on a Saturday morning. These visits were made in an attempt to determine whether a parking variance would be appropriate for this particular business. Based upon my observations during the course of these site visits as well as the testimony and evidence offered at the hearing, I find that the relief requested is appropriate and that a variance should be granted. Certain restrictions will be imposed at the end of this Order, however, to insure that the operation of the Charm City Bagel Shop at this location will not be detrimental to the surrounding community. The businesses in this commercial strip have existed in this location for over 40 years. The parking situation has remained the same. That is, there has always been only a very limited number of parking spaces for the tenants of this building. The customers, patrons and residents of the area have adjusted to this parking situation, and the businesses have continued to operate, in spite of these parking deficiencies.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

ORDER RECEIVED FOR FILING

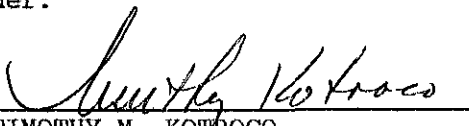
Date

By

MICROFILMED

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the required 10 spaces and to amend the previously approved site plan in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the Baltimore Bagel Company, Inc., trading as Charm City Bagel Company. In the event the Baltimore Bagel Company ceases to operate its business on the premises, then the parking variance granted herein shall cease and terminate. This variance shall not apply to Hoang's or the office space located on the second floor of the subject building, as no testimony was offered regarding those uses.
- 3) The hours of operation of the subject business shall be limited to 6:00 AM to 4:00 PM, seven days a week.
- 4) The Petitioner is prohibited from providing any more than 25 seats total, either inside or outside the Bagel Shop. This limited seating shall insure that the principal business of the Bagel Shop is for carry-out purposes, only.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 1/14/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 14, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S York Road, 100' S of Regester Avenue
(6805 York Road)
9th Election District - 4th Councilmanic District
Stone York Limited Partnership - Petitioner
Case No. 97-64-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Andrew J. Georgelakos, Partner, Stone York L.P.
c/o Constellation Realty Mgmt., 100 West Road, Suite 505, Towson,

Mr. James Thomas, President, Baltimore Bagel Company, Inc.
6805 York Road, Baltimore, Md. 21212

Ms. Stephanie Rohe, 6809 York Road, Baltimore, Md. 21212
Mr. Charles Whittington, y01 Kingston Road, Baltimore, Md. 21212
Mr. Jim Dobson, 510 Murdock Road, Baltimore, Md. 21212

Robert Taylor, Jr., Esquire, and Lloyd D. Lurie, Esquire,
Ingerman & Horwitz, 1228 N. Calvert Street, Baltimore, Md. 21202

People's Counsel; Case File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6805 York Road

which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

409.6 to allow 4 parking spaces in lieu of the 41 spaces ^{required} permitted and to amend the site plan approved in Zoning Variance Case No. 4906 (which permitted a parking variance of 6 spaces in lieu of the required 16 spaces).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Baltimore Bagel Company, Inc.

(Type or Print Name)

Signature By: James Thomas, President

6805 York Road

Address

Baltimore

City

MD

State

21212

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Stone York Limited Partnership

(Type or Print Name)

By: Andrew J. Georgelakos

Signature

Andrew J. Georgelakos, Partner

(Type or Print Name)

Signature

c/o Constellation Realty Management

100 West Road, Suite 505

Address

Phone No.

Towson

City

MD

State

21204

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/9/96

ORDER RECEIVED FOR FILING
Date
By

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Zoning Administration
& Development Management

MATIS WARFIELD
CONSULTING ENGINEERS

97-64-A

**Description to Accompany
Zoning Petition
No. 6805 York Road
9th Election District**

**July 26, 1996
Rev. August 6, 1996**

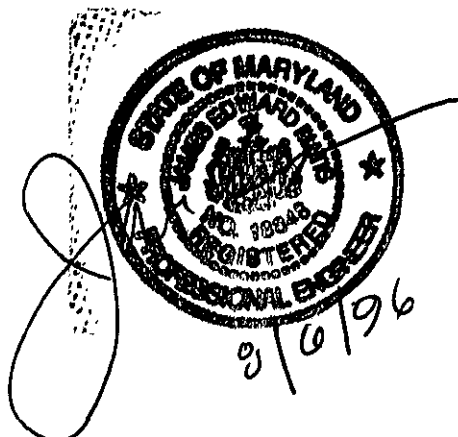
Beginning for the same at a point on the east side of York Road, said point distant South 18° 52' West 100 feet more or less from the southeast corner of York Road and Regester Avenue, running thence and leaving the east side of York Road:

- 1) South 71° 59' East 125 feet to the west side of Locust Drive, running thence along the west side of Locust Drive
- 2) South 18° 52' West 50 feet thence leaving said west side of Locust Drive
- 3) North 71° 59' West 125 feet to the east side of York Road, running thence and and binding along the east side of York Road
- 4) North 18° 52' East 50 feet to the place of beginning.

Containing 0.144 acres of land more or less.

This description is intended for zoning purposes only and should not be used for conveyance of land.

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#71

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9TH Date of Posting 2/20/96
Posted for: CASE # 97-64A ITEM 71
Petitioner: BALTIMORE BAKER COMPANY, INC.
Location of property: 6005 YORK ROAD

Location of Sign: LOCATED IN FRONT STOREFRONT
WINDOW

Remarks: _____
Posted by: Jamsh Date of return: _____
Number of Signs: 1 Signature

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-64-A

(Item 7)

6805 York Road

ES York Road, 100' S of

Regester Avenue

9th Election District

4th Councilmatic

Legal Owner(s):

Stone York Limited Partner-

ship

Contract Purchaser(s):

Baltimore Bagel Company,

Inc.

Variance: to allow 4 parking spaces in lieu of the 41 spaces required and to amend the site plan approved in zoning variance case #4906.

Hearing: Thursday, September 12, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

8/3/92 Aug 22

078024

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Aug 22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 22, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Amick

APPROVED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 71 Petitioner: Baltimore Bagel Company
Location: 6805 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormrod
ADDRESS: 210 Allegheny Ave.
Towson Md 21204
PHONE NUMBER: 494-6201

MICROFILMED



TO: PUTKENT PUBLISHING COMPANY
August 22, 1996 Issue - Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable, Baetjer and Howard, LLP)
210 Allegheny Avenue
Towson, MD 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-64-A (Item 71)
6805 York Road
E/S York Road, 100' S of Register Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.

Variance to allow 4 parking spaces in lieu of the 41 spaces required and to amend the site plan approved in zoning variance case #4906.

HEARING: THURSDAY, SEPTEMBER 12, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

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HYD.	DIAM.	FITTING	PIPE	FTNG'S	Pt	Pv	***** NOTES *****
REF	"C"	or	TOTAL	Pt	Pv		
POINT	Pt/F	Eqv. Ln.	TOTAL	Pt	Pv		

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40	59.15		13.72	K =	15.971
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18	14.38	1.049 3E	7.00	10.22	10.22 K = 4.5
		C=120 1T	5.00	11.00	0.00
	14.38	0.0705	0.00	18.00	1.27

16	14.38		11.49	K =	4.242
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19	14.85	1.049 1T	5.00	10.89	10.89 K = 4.5
		C=120	0.00	5.00	0.00
	14.85	0.0750	0.00	8.00	0.60

16	14.85		11.49	K =	4.381
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20	15.25	1.049 3E	6.00	2.00	11.49 K = 4.5
		C=120 1T	5.00	11.00	0.00
	15.25	0.0792	0.00	13.00	1.03

17	15.25		12.52	K =	4.311
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21	16.07	1.049 3E	6.00	3.00	12.75 K = 4.5
		C=120 1T	5.00	11.00	0.00
	16.07	0.0871	0.00	14.00	1.22

22	0.00	1.610 1T	8.00	4.00	13.97
		C=120	0.00	8.00	0.00
	16.07	0.0108	0.00	12.00	0.13

41	16.07		14.10	K =	4.280
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23	15.34	1.049 2E	4.00	10.00	11.61 K = 4.5
		C=120	0.00	4.00	0.00
	15.34	0.0800	0.00	14.00	1.12

24	15.53	1.049 1T	5.00	2.00	12.73
		C=120	0.00	5.00	0.00
	30.87	0.2900	0.00	7.00	2.03

42	30.87		14.76	K =	8.035
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UNITS - DIAMETER (INCH) LENGTH (FOOT) FLOW (GPM) PRESSURE (PSI)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-64-A (Item 71)
6805 York Road
E/S York Road, 100' S of Regester Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.

Variance to allow 4 parking spaces in lieu of the 41 spaces required and to amend the site plan approved in zoning variance case #4906.

HEARING: THURSDAY, SEPTEMBER 12, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Stone York Limited Partnership
Baltimore Bagel Company, Inc.
Robert A. Hoffman, Esq.

bcc: Stephanie Rowe
Wayne Wienecke

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



*** INSPECTION REQUEST HAS BEEN LOGGED ***
PANEL BP1035M
TIME: 13:43:54
DATE: 08/02/96
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE
INSPECTION REQUESTED LOG

DATE REQUESTED: 08/05/96
TIME REQUESTED: A (A=AM, P=PM)
PERMIT #: E22226
INSPECTION TYPE:

ELECTRICAL		BUILDING		PLUMBING	
INSPECTION TYPES					
ROUGH IN	FOOTING	PLUMB CHK	GAS	WATER SERV	SEPTIC
SERVICE	INSULATION	ELECT CHK	GROUND WRK	OTHER	FINAL
OTHER	FOUNDATION	WELL WATER	SUB SOIL	ROUGH IN	SEWER CONN
FINAL	F.P. THROAT	OTHER	FINAL		
	FRAMING	FINAL			

ENTER - PROCESS PFA - CREATE DUMMY RECORD CLEAR - MENU



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 9/12/96
CASE NUMBER: 97-64-A (Item 71)
6805 York Road
E/S York Road, 100' S of Regester Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.

Variance to allow 4 parking spaces in lieu of the 41 spaces required
and to amend the site plan approved in zoning variance case #4906.

HEARING: MONDAY, OCTOBER 7, 1996 at 2:00 p.m. in Room 118, Old
Courthouse, 400 Washington Avenue, Towson, Maryland.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Stone York Limited Partnership
Baltimore Bagel Company, Inc.
Robert A. Hoffman, Esq.
Stephanie Rowe
Wayne Wienecke

MICROFILMED



Petition for Variance

#71

to the Zoning Commissioner of Baltimore County

for the property located at 6805 York Road

which is presently zoned BL-AS

97-64-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

409.6 to allow 4 parking spaces in lieu of the 41 spaces ^{required} ~~permitted~~ and to amend the site plan approved in Zoning Variance Case No. 4906 (which permitted a parking variance of 6 spaces in lieu of the required 16 spaces).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Baltimore Bagel Company, Inc.

(Type or Print Name)

Signature By: James Thomas, President

6805 York Road

Address

Baltimore

City

MD

State

21212

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

City

MD

State

21204

Zipcode

Legal Owner(s):

Stone York Limited Partnership

(Type or Print Name)

By: Andrew J. Georgelakos

Signature

Andrew J. Georgelakos, Partner

(Type or Print Name)

Signature

c/o Constellation Realty Management

100 West Road, Suite 505

Address

Phone No.

Towson

City

MD

State

21204

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: mtc

DATE

8/9/96





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 5, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 71
Case No.: 97-64-A
Petitioner: Andrew Georgelakos

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

RECEIVED

BALTIMORE COUNTY, MARYLAND
ELECTRICAL INSPECTION FEE SCHEDULE

EFFECTIVE APRIL 1, 1992

MINIMUM FEE FOR ELECTRICAL PERMITS IS \$17.00

PERMIT EXPIRATION

A permit shall expire one year from the date it was issued unless it is extended, in which case it can only be extended for one additional year. The maximum duration of an electrical permit is two years.

INVESTIGATION FEE

Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee, an investigation fee of \$43.00 shall be collected.

ROUGH WIRING

FIXTURES

switches, receptacles, and lights to be counted as outlets:

1 to 50 outlets . . .	\$17.00	1 to 50 fixtures . . .	\$17.00
For each additional 25 outlets or fraction thereof . . .	\$3.00	For each additional 25 fixtures or fraction thereof . . .	\$3.00

COMPLETED INSTALLATIONS, where wiring and fixtures are installed and can be inspected on one visit, apply rough wiring schedule based on total number of outlets.

FEES - NEW RESIDENCE - FLAT RATE - INCLUDES ALL APPLIANCES & SERVICE

Not over 100 amp. service \$44.00
Not over 200 amp. service \$52.00
Over 200 amp. service \$57.00

FEES - NEW APARTMENTS - INCLUDES ALL APPLIANCES - SERVICE ADDITIONAL

1 to 5 - Use Rough Wiring & Fixture Schedules, Service Additional 6 or more - \$17.00 per apartment, Service Additional

CONDITIONS & REMODELING - Use Rough Wiring and Fixture Schedules. Appliances such as electric ranges, range tops, ovens, air conditioners, water heaters, disposals, dishwashers, dryers, water pumps, electric heating units, etc., installed in dwelling occupancies: a charge of \$5.00 will be made for the first unit 20 KW or less, and \$2.00 for each additional unit or outlets.

INDUSTRIAL AND COMMERCIAL EQUIPMENT - such as air conditioners, motors, generators, commercial heaters, transformers, capacitors, welders and similar devices:

Secondary Fee

Single unit or group not exceeding 5 motors whose total capacity does not exceed 1 HP or KW . . . \$17.00 -- \$5.00
1 HP to 40 HP, KW or KVA \$17.00 -- \$5.00
Over 40 HP to 75 HP, KW or KVA \$17.00 -- \$6.00
Over 75 HP, KW or KVA \$17.00 -- \$7.00

NOTE: Where above motor fees exceed \$75.00 and inspections can be completed within 90 days of filing application, apply 50% of the above fees for the amount over \$75.00.

NEW SERVICE - RELOCATION OR CHANGE IN SERVICE

Not over 400 amps \$17.00
Over 400, not over 800 amps \$25.00
Over 800 amps \$43.00

MODULAR HOMES OR PREFABRICATED STRUCTURES

Must bear a sticker of approval from the U.S. federal government, the state, a national testing facility, or other recognized inspection bureau. When this sticker is in evidence, a flat rate of \$43.00 will be charged.

TRANSFORMERS, VAULTS - OUTDOOR ENCLOSURES
OUTDOOR SUB-STATIONS

Not over 200 KVA \$19.00
Over 200 to 500 KVA \$21.00
Over 500 KVA \$28.00

NOTE: Above applied to each bank of transformers.

SWIMMING POOLS

Bonding \$17.00
Filters & Pool lights (use fixture & appliance schedule)
REINSPECTION OR REINSTRUCTION OF CURRENT

Charge is in relation to amount of supervision, but no less than \$43.00
Any equipment not heretofore approved, the schedule covering classification to apply used.

ADDITIONAL INSPECTIONS

For reported correction of defects found in original installation (after notice of correction and second inspection) \$17.00

ELECTRIC SIGNS

Electric discharge sign lighting systems, charge based on amp. rating of each sign:
0 to 10 amp. \$17.00
Each additional 5 amp. or fraction thereof . \$ 7.00
For incandescent signs, divide total number of sockets by "4" applying rough wiring schedule for each sign.

Minimum fee \$17.00
Charge for each combination incandescent and gas tube sign to be computed by adding charge for each class.

ELEVATOR INSTALLATIONS

Single unit, non-automatic,
1 to 20 HP each \$17.00
Single unit, non-automatic,
Over 20 HP: apply primary motor schedule.
Automatic elevators: Add \$5.00 to primary motor schedule.

RADIO OR TV APPARATUS

Minimum fee \$17.00
PROTECTIVE SIGNALING SYSTEMS, SOUND OR TIME SYSTEMS OUTLETS, TELEPHONES

1 to 15 devices \$17.00
Each additional 5 \$ 3.00

TEMPORARY INSTALLATIONS AND DECORATIVE DISPLAYS
Temporary installations for carnivals, Christmas decorations, halls churches, etc., where inspection is on a one-time basis, apply the following fees:

1 to 10 KW \$17.00
11 to 25 KW \$21.00
26 to 50 KW \$28.00
Over 50 KW \$34.00

Where inspection is not on a one-time basis, see Special Services below:

SPECIAL SERVICES

Special services (such as annual inspections, hospital operating floors, motion picture equipment, mobile homes, etc.) and/or conditions not provided for in the schedule shall be charged for on the basis of time required.
Minimum fee \$17.00
Temporaries and inspections requested after the first inspection, when work was not ready, EACH \$43.00

Issuance of duplicate certificate . . . \$ 3.00
PRE-PURCHASE AND USE POSTCARD PERMITS (\$17.00) FOR SIMPLE, ONE-ITEM INSPECTIONS.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 5, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 6805 York Road

INFORMATION:

Item Number: 71

Petitioner: Stone York Limited Partnership

Property Size: _____

Zoning: BL-AS

Requested Action: _____

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The site in question at 6805 York Road is within the Towson Community Plan area, along the York Road corridor in an area designated as Urban Center/Employment area. The adjacent residentially zoned property is within a Community Conservation area - Outer Neighborhood. The site is within an older shopping center that contains neighborhood commercial businesses, including an existing Harry Little's restaurant, video rental, dry cleaner, as well as Hoang's Seafood Carry-out and Charm City Bagels.

The shopping center obviously predates the most recent zoning regulations regarding parking Section 409 (Bill Nos. 26-88 and 36-88); it may predate the effective date of the Baltimore County Zoning Regulations. It appears to be nonconforming with regard to parking for retail or carry-out use. The site in question, occupied by Charm City Bagels, Hoang Seafood Restaurant and offices has only four parking spaces accessible from Locust Drive, and an 18' wide, one-way alley to the rear. The requested Variance for four spaces in lieu of the required 41 spaces would legitimize the existing restaurant use for Charm City Bagels.

Staff is not opposed to the requested Variance provided that every reasonable attempt is made to secure a lease agreement with an adjacent property owner within walking distance of the business. In addition, employees of the Baltimore Bagel Company should be restricted from parking in the adjacent residential community.

Handwritten signature/initials

TO: * Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

The tree planters along the York Road frontage were part of a county streetscape program. The property owner should maintain the two planters, keeping them free of weeds, trash and debris. A ground cover planted in the planters would help eliminate some problems, but routine maintenance is still needed.

Prepared by: _____

Jeffrey M. Low

Division Chief: _____

Gary L. Reins

AFK/JL/lw
ITEM71/PZONE/ZAC1

MICROFILMED

ITEM71/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/15/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP--1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 19, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 33, 55, 58, 60, 63, 64, 65, 66,
67, 68, 69 AND 71.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



Baltimore County Government
Department of Community Development



One Investment Place Suite 800
Towson, MD 21204

887-3317
Fax 887-5696



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

8-16-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 071 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

97-64-A
9/12
Jm

TO: Arnold Jablon, Director, PDM

DATE: September 5, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 6805 York Road

INFORMATION:

Item Number: 71

Petitioner: Stone York Limited Partnership

Property Size: _____

Zoning: BL-AS

Requested Action: _____

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The site in question at 6805 York Road is within the Towson Community Plan area, along the York Road corridor in an area designated as Urban Center/Employment area. The adjacent residentially zoned property is within a Community Conservation area - Outer Neighborhood. The site is within an older shopping center that contains neighborhood commercial businesses, including an existing Harry Little's restaurant, video rental, dry cleaner, as well as Hoang's Seafood Carry-out and Charm City Bagels.

The shopping center obviously predates the most recent zoning regulations regarding parking Section 409 (Bill Nos. 26-88 and 36-88); it may predate the effective date of the Baltimore County Zoning Regulations. It appears to be nonconforming with regard to parking for retail or carry-out use. The site in question, occupied by Charm City Bagels, Hoang Seafood Restaurant and offices has only four parking spaces accessible from Locust Drive, and an 18' wide, one-way alley to the rear. The requested Variance for four spaces in lieu of the required 41 spaces would legitimize the existing restaurant use for Charm City Bagels.

Staff is not opposed to the requested Variance provided that every reasonable attempt is made to secure a lease agreement with an adjacent property owner within walking distance of the business. In addition, employees of the Baltimore Bagel Company should be restricted from parking in the adjacent residential community.

RECEIVED

TO: . Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Miller, III, Director, OP

The tree planters along the York Road frontage were part of a county streetscape program. The property owner should maintain the two planters, keeping them free of weeds, trash and debris. A ground cover planted in the planters would help eliminate some problems, but routine maintenance is still needed.

Prepared by: _____

Jeffrey W. Low

Division Chief: _____

Gary L. Kerns

AFK/JL/lw

ITEM71/PZONE/ZAC1

MICROFILMED

ITEM71/PZONE/ZAC1

PETITION PROBLEMS

#33 --- RT

1. Where has this petition been????
2. Only one signature was notarized.

#55 --- JRA

1. No zoning indicated on petition form.
2. No review information on bottom of petition form.

#58 --- MJK

1. Need title of person signing for legal owner.
2. Need telephone number of legal owner.

#60 --- MJK

1. Need telephone number for legal owner.

#61 --- ????

Where is it??????

#62 --- JLL

1. Why does special hearing petition form list two legal owners and the variance petition form list only one legal owner.

#64 --- JLL

1. Need title of person signing for lessee.

#67 --- JJS

1. Need zoning on petition form - says "Res".

#70 --- ???

Where is it????

#71 --- MJK

1. Need telephone number for legal owner.

SPRINKLER SYSTEM HYDRAULIC ANALYSIS

Page 9

Date: 05/20/1996

C:\HASS60\DATA\TARGET\TS-FSA-1.SDF

JOB TITLE: TARGET STORE GRID SYSTEM NO. 2 FOOD SERVICE AREA

PIPE DATA (cont.)

PIPE TAG		ELEV. (FT)	NOZ. (K)	PT (PSI)	DISC. (GPM)	Q (GPM)	DIA (IN)	LENGTH	PRESS.		
END	VEL (FPS)					HW (C)	(FT)	SUM.			
NODES						F.L./FT			(PSI)		
252 255	Pipe: 278					-21.4	1.452	PL	13.13	PF	0.6
		14.7	5.6	14.7	21.4	4.2	120	FTG	2E	PE	0.0
		14.7	0.0	15.3	0.0		0.030	TL	20.73	PV	0.1
253 254	Pipe: 279					-20.7	1.452	PL	13.25	PF	0.5
		14.7	5.6	13.6	20.7	4.0	120	FTG	E	PE	0.0
		14.7	5.6	14.1	21.0		0.028	TL	17.05	PV	0.1
254 255	Pipe: 280					-41.7	1.452	PL	4.04	PF	1.2
		14.7	5.6	14.1	21.0	8.1	120	FTG	T	PE	0.0
		14.7	0.0	15.3	0.0		0.104	TL	11.74	PV	0.4
255 256	Pipe: 281					-63.1	1.687	PL	12.00	PF	1.3
		14.7	0.0	15.3	0.0	9.1	120	FTG	----	PE	0.0
		14.7	5.6	16.6	22.8		0.108	TL	12.00	PV	0.6
256 257	Pipe: 282					-85.9	2.154	PL	10.58	PF	1.3
		14.7	5.6	16.6	22.8	7.6	120	FTG	2E	PE	0.0
		14.7	5.6	17.9	23.7		0.058	TL	22.78	PV	0.4
257 215	Pipe: 283					-109.6	2.154	PL	5.00	PF	1.6
		14.7	5.6	17.9	23.7	9.7	120	FTG	T	PE	0.0
		14.7	0.0	19.5	0.0		0.091	TL	17.20	PV	0.6
215 213	Pipe: 284					-269.5	2.727	PL	10.50	PF	1.6
		14.7	0.0	19.5	0.0	14.8	120	FTG	----	PE	0.0
		14.7	0.0	21.1	0.0		0.152	TL	10.50	PV	1.5
258 259	Pipe: 285					-21.8	1.452	PL	8.00	PF	0.3
		14.7	5.6	15.1	21.8	4.2	120	FTG	----	PE	0.0
		14.7	5.6	15.4	22.0		0.031	TL	8.00	PV	0.1
259 260	Pipe: 286					-43.7	1.452	PL	7.33	PF	1.7
		14.7	5.6	15.4	22.0	8.5	120	FTG	2E	PE	0.0
		14.7	5.6	17.1	23.1		0.114	TL	14.93	PV	0.5
260 261	Pipe: 287					-66.9	1.687	PL	8.00	PF	1.0
		14.7	5.6	17.1	23.1	9.6	120	FTG	----	PE	0.0
		14.7	5.5	18.0	23.4		0.120	TL	8.00	PV	0.6
261 262	Pipe: 288					-90.2	2.154	PL	10.42	PF	1.4
		14.7	5.5	18.0	23.4	7.9	120	FTG	2E	PE	0.0
		14.7	5.4	19.5	24.0		0.064	TL	22.62	PV	0.4
262 263	Pipe: 289					-114.3	2.154	PL	5.00	PF	1.7
		14.7	5.4	19.5	24.0	10.1	120	FTG	T	PE	0.0
		14.7	0.0	21.2	0.0		0.098	TL	17.20	PV	0.7
263 213	Pipe: 290					249.5	2.727	PL	0.50	PF	0.1
		14.7	0.0	21.2	0.0	13.7	120	FTG	----	PE	0.0
		14.7	0.0	21.1	0.0		0.132	TL	0.50	PV	1.3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 15, 1996

TO: Gwen Stephens
Zoning Review

FROM: James Thompson
Code Inspections and Enforcement

RE: Item No. 71
Baltimore Bagel Company
6805 York Road
9th Election District

Please be advised that the above-referenced public hearing is subject to an active citation case, No. 97-13.

When this matter is scheduled for a hearing please notify the following individuals:

1. Stephanie Rowe
605 Murdock Road
Baltimore, Maryland 21212
2. Wayne Wienecke
501 Regester Avenue
Baltimore, Maryland 21212

JHT/hek

c: Stephanie Rowe
Wayne Wienecke

1 - 1 - 1 (11/11/96)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: August 15, 1996
TO: Lee Thomson
Office of Law
FROM: James H. Thompson
Code Inspections and Enforcement
RE: Interview Time
Code Inspectors

Having discussed this matter with Rick Wisnom, the two of us agree it would benefit all parties to move the trial review time to Monday afternoon. The only downside would be all the inspectors would have to make on site inspections of their upcoming cases on Monday morning rather than the current practice of Monday afternoon or Tuesday mornings. Please give me the actual date you want to start this procedure and I will convey that information onto the inspectors.

JHT/hek

RE: PETITION FOR VARIANCE
6805 York Road, E/S York Road,
100' S of Regester Avenue
9th Election District, 4th Councilmanic

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.
Petitioners

* CASE NO. 97-64-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN

96-5461

10/10/96

8-10 68

Anneslie Community Association

September 19, 1996

Baltimore County Office of Zoning &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case #97-64-A (Item 71)
6805 York Road

Dear Sirs:

Regarding the requested variance (Case #97-64-A, Item 71), filed by The Baltimore Bagel Company, to allow 4 parking spaces in lieu of the required 41.

It is the general consensus of the Anneslie Community that supporting this variance would enhance and benefit our community, however the following conditions would be required:

- 1.) The variance would be limited to only The Baltimore Bagel Company.
2. That the variance would expire when The Baltimore Bagel Company lease expires.

With these conditions met we would support a variance allowing seating, 30 seat maximum, at The Baltimore Bagel Company.

Best Regards,



Bill Metzger

President, Anneslie Community Association

cc: Greater Towson Community Council
Rodger's Forge Association
Stonleigh Community Association

MICROFILMED



9/26/96
to file 68

THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
620 MURDOCK ROAD • BALTIMORE, MD • 21212

September 26, 1996

Baltimore County Office of Zoning
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Arnold Jablon

Re: Case No.: 97-64-A (Item 71)
6805 York Road

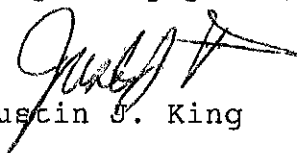
Dear Mr. Jablon:

We are aware of and are in receipt of a letter from Mr. Bill Metzger, President of the Anneslie Community Association with regard to that Association's position with regard to the above-captioned matter. Mr. Metzger put forth his Association's position at our regularly scheduled meeting on Thursday, September 19, 1996 at which time a vote was taken in support of the Community.

Please be advised that it is the position of the Greater Towson Council of Community Associations that the variance at issue should be issued for the Baltimore Bagel Company with the conditions that, (1) the variance be limited to only the Baltimore Bagel Company, and (2) that the variance expires when the Baltimore Bagel Company vacates the premises.

We share Anneslie's position that the Baltimore Bagel Company has been a positive influence in the community and it is hoped that through continuing discussions that any other issues that may arise between Baltimore Bagel Company and the community association can be amicably resolved.

Very truly yours,



Justin J. King

JJK/mlw

cc: Bill Metzger, President
Baltimore Bagel Company

ENCLOSURE

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

96-4682
OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

August 26, 1996

HAND-DELIVERED

Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 97-64-A
Baltimore Bagel Company, Inc., Petitioner

Dear Mr. Jablon:

On Thursday of last week, I received Notices of Hearing in three separate zoning cases. The cases have been scheduled on three successive days, and I am writing to ask that the third hearing, which is referenced above, scheduled for Thursday, September 12, 1996, at 9:00 a.m. be rescheduled to another date.

It is my understanding that I must post a sign for this hearing by tomorrow, and I would ask that you call me as soon as possible to let me know whether this case can be postponed in accordance with my request. I would only need a few additional days to make sure that I and my witnesses are properly prepared for the case.

If you are inclined to grant the requested postponement, please let me know whether I should post the sign and then cover it with a "postponed" sticker or whether I forego posting the sign at this time.

Please let me know at your earliest convenience.

Yours truly,

Robert A. Hoffman / pm
Robert A. Hoffman

RAH:pvb

cc: Mr. James Thomas

TO1DOCS1/RAH01/0029772.01

25 1996

MAILED

The Rodgers Forge Community, Inc.

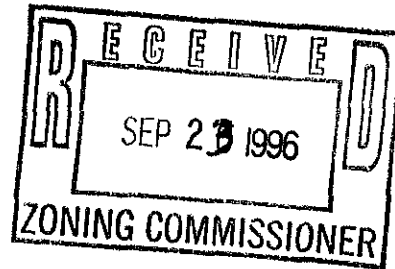
AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

September 19, 1996

Turn
10/7/96

Mr. Lawrence E. Schmidt
Commissioner
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Maryland 21204

Re: Baltimore Bagel Company, Inc.
Case No: 97-64-A (Item 71)
6805 York Road



Dear Commissioner Schmidt:

This shall serve to notify the Baltimore County Zoning Commission that Rodgers Forge Community, Inc. supports a variance to allow four (4) parking spaces in lieu of forty-one (41) spaces and to amend the site plan approved in zoning variance case #4906.

Please be advised, that at the September 18, 1996 meeting of the Board of Governors of the Rodgers Forge Community, Inc., the issue of whether to support the Baltimore Bagel Company's request for a parking variance was approved by a majority of the members present and voting. The Board of Governors, however, only supports this variance for the current retail operator, Baltimore Bagel Company, Inc., and if this business vacates the site, any new or replacement operator should be required to reapply for any necessary variances, if appropriate.

The community of Rodgers Forge feels that the Baltimore Bagel Company, Inc. is a positive addition to our neighborhood, and that it would present a undue hardship to require the operator to produce forty-one (41) parking spaces at the site. This business provides employment and provides a cordial gathering place for community residents. The zoning requirement that an eating establishment with seating provide parking to its customers is inappropriate for small commercial centers in older neighborhoods. Many community residents access this establishment by walking, and need not rely on their automobiles to visit this store.

If there are any questions concerning this matter, please feel free to let me know.

Sincerely

Janice Moore
President

RECEIVED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman
James Thomas Jr
Robert Smith
JAMES MATIS
Mark Andrews
Homan

210 Allegheny Ave 21204
1054 MARLEIGH CIR. 21204
3600 BUTLER RD 21071
6600 YORK ROAD SUITE 209 21212
711 Dunkirk Rd 21212
6805 York Rd 21212

MICROFILMED

PROTESTANT(S) SIGN-IN SHEET

ADDRESS

601 Kingston Road, 21212
6809 York Rd. 21212
510 MURDOCK RD. 21212

Robert Taylor, Jr.
Ingerman & Horwitz
1228 N. Calvert St.
Baltimore, MD 21202

Charm City Bagels
97-64-A

RES (410) 602-2334

LLOYD D. LURIE

ATTORNEY AT LAW

1228 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

(410) 539-1200
1-800-776-4LAW

INGHERMAN & HORWITZ

MICROFILMED

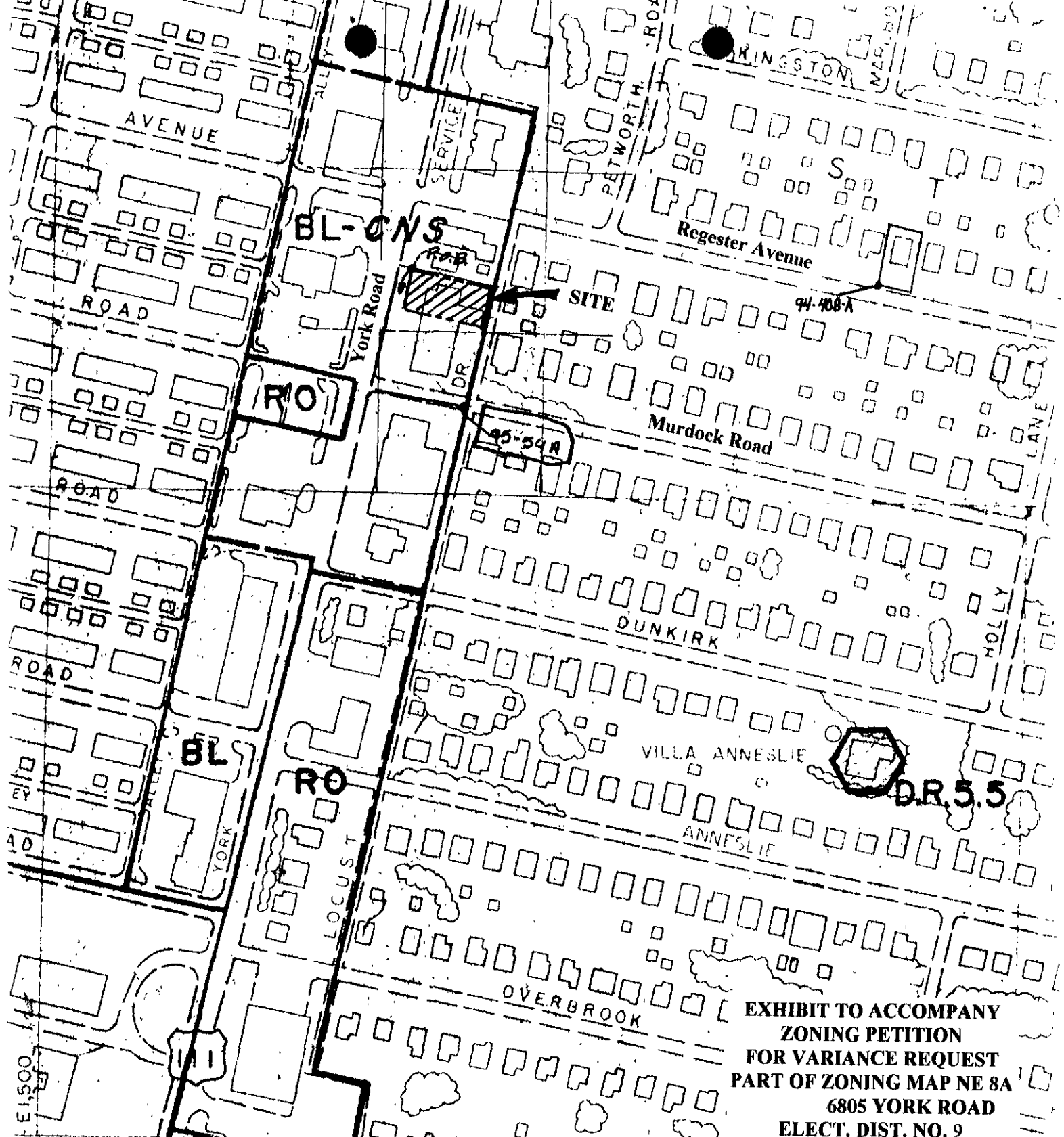


EXHIBIT TO ACCOMPANY
ZONING PETITION
FOR VARIANCE REQUEST
PART OF ZONING MAP NE 8A
6805 YORK ROAD
ELECT. DIST. NO. 9

SHEET NE

97-64-A
#71

MICROFILMED

BALTIMORE
OFFICE OF PLANNING
OFFICIAL ZONING



THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
620 MURDOCK ROAD • BALTIMORE, MD • 21212

September 26, 1996

Baltimore County Office of Zoning
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Arnold Jablon

Re: Case No.: 97-64-A (Item 71)
6805 York Road

Dear Mr. Jablon:

We are aware of and are in receipt of a letter from Mr. Bill Metzger, President of the Anneslie Community Association with regard to that Association's position with regard to the above-captioned matter. Mr. Metzger put forth his Association's position at our regularly scheduled meeting on Thursday, September 19, 1996 at which time a vote was taken in support of the Community.

Please be advised that it is the position of the Greater Towson Council of Community Associations that the variance at issue should be issued for the Baltimore Bagel Company with the conditions that, (1) the variance be limited to only the Baltimore Bagel Company, and (2) that the variance expires when the Baltimore Bagel Company vacates the premises.

We share Anneslie's position that the Baltimore Bagel Company has been a positive influence in the community and it is hoped that through continuing discussions that any other issues that may arise between Baltimore Bagel Company and the community association can be amicably resolved.

Very truly yours,

cf

Justin J. King

JJK/mlw
cc: Bill Metzger, President
Baltimore Bagel Company ✓

PETITIONER'S
EXHIBIT 5A

MICROFILMED

Anneslie Community Association

September 19, 1996

Baltimore County Office of Zoning &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case #97-64-A (Item 71)
6805 York Road

Dear Sirs:

Regarding the requested variance (Case #97-64-A, Item 71), filed by The Baltimore Bagel Company, to allow 4 parking spaces in lieu of the required 41.

It is the general consensus of the Anneslie Community that supporting this variance would enhance and benefit our community, however the following conditions would be required:

- 1.) The variance would be limited to only The Baltimore Bagel Company.
2. That the variance would expire when The Baltimore Bagel Company lease expires.

With these conditions met we would support a variance allowing seating, 30 seat maximum, at The Baltimore Bagel Company.

Best Regards,



Bill Metzger

President, Anneslie Community Association

cc: Greater Towson Community Council
Rodger's Forge Association
Stonleigh Community Association
The Baltimore Bagel Company (Charm City Bagel)

MICROFILMED

PETITIONER'S
EXHIBIT 5B

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF **RODGERS FORGE**
BALTIMORE, MD. 21212

September 19, 1996

Mr. Lawrence E. Schmidt
Commissioner
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Maryland 21204

Re: Baltimore Bagel Company, Inc.
Case No: 97-64-A (Item 71)
6805 York Road

Dear Commissioner Schmidt:

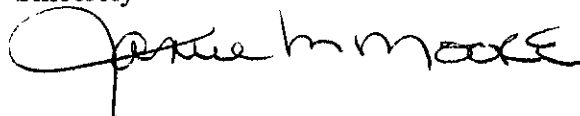
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If there are any questions concerning this matter, please feel free to let me know.

Sincerely



Janice Moore
President

MICROFILMED

PETITIONER'S
EXHIBIT 5c

OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

DEA: 1/2
HISTORIC DISTRICT/MD.

PERMIT #: B2297507
RECEIPT #: 9264410
CONTROL #: 1
XREF #:

PROPERTY ADDRESS: 6809 YORK RD
CITY: MD 21212
SUBDIV: ANNE ARUNDEL
TAX ACCOUNT #: 001884
DISTRICT/PRECINCT: 74
OWNER'S INFORMATION (LAST, FIRST)
NAME: STONE YORK LIMITED PARTNERSHIP
ADDR: 100 WEST AVE, TOWSON, 21204

FEES: 100' 00" x 12' 00" x 5' 00"
PAID: 177.00
PAID BY: APP
INSPECTOR: APP

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN FILING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH, WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING 1 or 2 FAM.
CODE CODE

TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

TYPE FOUNDATION BASEMENT
1. SLAB 1. FULL
2. BLOCK 2. PARTIAL
3. CONCRETE 3. NONE

APPLICANT INFORMATION
NAME: TOM SEILER
COMPANY: THOMAS R. SEILER ARCHITECT
STREET: 5700 AUSTIN AVE
CITY, ST, ZIP: BALTO MD 21215
PHONE #: 367-4441 LICENSE #: 8391
APPLICANT: THOMAS R. SEILER
SIGNATURE: THOMAS R. SEILER TRACT: BLOCK:
PLANS: CONST 01 PLOT 0 PLAT 0 DATA 0 EL 1 PL 1
TENANT: Bagel Shop
X CONTR: THE KNOTT GROUP, 1801 FAUS RD 21210
ENGR: THOMAS R. SEILER
SELLR:

DESCRIBE PROPOSED WORK: No seating - carry out only

INT. ALT TO CREATE BAGEL SHOP
INT. WALL, CEILING, METAL STUD
& DRYWALL CONSTRUCTION. Separate
permits may be for any OK to have
NON-RESIDENTIAL add'l work. Plans

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER
72A
9/12/95
Dwgs By
Thos. K. Seiler
TO BE ON
Job
1500

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

TYPE OF WATER SUPPLY

CENTRAL AIR: 1. 2 2. 2
ESTIMATED COST: 2,200.00
OF MATERIALS AND LABOR
PROPOSED USE: Shopping center and alterations
EXISTING USE: Shopping center

OWNERSHIP
1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
XREF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. MIRISE
1 FAMILY BEDROOMS
GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 82 FOLIO 40
POWDER ROOMS KITCHENS LIBER 7

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR SIZE 100' 112.5'
WIDTH FRONT STREET
DEPTH SIDE STREET
HEIGHT FRONT SETBK
STORIES SIDE SETBK
LOT #'S SIDE STR SETBK
CORNER LOT REAR SETBK
1. Y 2. N ZONING 2.0

APPROVAL SIGNATURES DATE
BLD INSP Thos. K. Seiler 9/12/95
BLD PLAN
FINE
BEDI-CTL
ZONING 11 9/12/95
PUB SERV
ENVRMT 0.16 E. FILE 9/12/95
PERMITS

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

Munter X 3373

supv. Th. Thompson 887-3351
11:00 clock

case # 964205

**Where Asia Meets Asia
and East Meets West**
*** Elizabeth Large-Sun Magazine

RESTAURANT
Pacific Rim

Perfect for your Holiday Parties
Sushi Platters Available!

Multi-Ethnic Cuisine & Sushi Bar
Lunch • Dinner • Carry-Out

(410) 666-2336 • 666-2337

9726 York Road (North of Padonia Rd.) Cockeysville
Hours: Mon-Thurs 11 a.m.-10 p.m. Fri 11 a.m.-11 p.m. Sat 12 noon-11 p.m. Sun 12 noon-10 p.m.

MARKETPLACE

Business Beat

Meredith Schlow

PROTESTANT'S EXHIBIT NO. 2 He puts stock in bagel shop



What do a stockbroker and a bagel shop owner have in common? A long work week, says James Thomas, former stockbroker and owner of Anneslie's new Acme Bagel Company, scheduled to open next week.

"Only now," Thomas says, "I can work 80 hours a week for myself. After several years in the financial world, Thomas decided he needed a change. He spent a year as a consultant for Baltimore's well-known Sam's Bagels, and knew he'd found another way to use his talents.

His new bagel shop will open in half of the space vacated about a year ago when Ayl Hardware relocated a block south on York Road.

"I knew that this was going to be a good spot," says Thomas, 32, a Towson resident who previously worked at the Rodgers Forge NationsBank.

"The demographics are good, higher incomes, bagel eaters... People stop in all the time and say they can't wait for us to open. All of the communities have been very embracing."

"I'm thrilled about it," says Stanley C. Merros, president of KLN Management Services, the company that manages the rental property. Merros, a Stoneleigh resident and community board member, says he's heard only positive comments from neighbors and friends about the new establishment.

"He's put a lot of money into the space, which improves the property," he says, "and the community is happy about it."

Thomas says he's spent about \$175,000 on renovation and inventory for his new 1,800-square-foot business, the bulk of the cost going to construction, he says, pointing to the new heating ducts and plumbing.

The Acme Bagel Company will have seating for about 30, with additional sidewalk tables in warmer weather, Thomas says. The shop will carry 28 varieties of

cappuccino and a full lunch menu including soups.

"I'm very excited, I'm really pumped," says Thomas, who likes to be called "J.T."

"I'm really looking forward to getting up and being here every morning at 5 a.m. ... It's almost like a bar, except that you're serving coffee and soda instead of beer and liquor. You have your regulars, you see the same faces, you hang out, read the paper ... I want to offer that 'Friends,' you know, Central Perk sort of thing," he says, referring to the popular television show and the characters' fictional coffee shop hangout.

"Except, with bagels," he adds.

The Acme Bagel Company is located at 6805 York Road, and is scheduled to open Dec. 15th. Hours will be 6 a.m. till 4 p.m. seven days a week, though Thomas says hours may expand. Call 372-0500.

What's up doc? ▶ Jose M. Arango, DDS, has opened an orthodontic practice in Towson at 6800 LaSalle Road, suite 630. Arango also opened a practice in Owings Mills at 10085 Red Run Blvd., suite 403.

Patrick K. Alban has opened a chiropractic office in the Beltway Professional Building at 1134 York Road, suite 312 in Lutherville.

Dentist Thomas Baldwin celebrates the 20th anniversary of his dental practice in Towson this month. His first office was on the second floor at 28 W. Pennsylvania Ave. His office is now located at 7801 York Road in Towson.

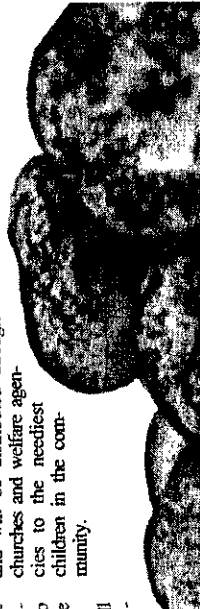
Toys for Tots ▶ Through Saturday, Dec. 16, all Long & Foster offices will accept donated toys for the U.S. Marine Corps Reserves annual "Toys for Tots" campaign. Toys should be new and unwrapped, and will be distributed through churches and welfare agencies to the neediest children in the community.

New leases ▶ State Auto Insurance Co. has leased 1,721 square feet of office space at the West Road Corp. Center, 110 West Road in Towson. Freedom Home Mortgage has leased 1,500 square feet of office space at 1615 York Road in Lutherville.

Events planning ▶ Plan on Us!, a new events planning and entertainment agency has opened in Towson. Christine Morsberger, former sales manager for the Holiday Inn Timonium, will work with the hospitality-government-transient markets. Debbie Ricci, formerly director of Canbrie Catering, will target the wedding, social and civic and tour and travel markets. Laura Kirby, previously general manager of Comfort Inn of Westminster, will handle the corporate, association and education markets. Plan On Us! is located at 22 W. Pennsylvania Ave. Call 337-7700.

Accounting for taste ▶ Harcourt Brace Professional Publishing has named Naden/Lean, LLC Certified Public Accountants and Business Consultants to its 1995 "Digest 50" list of the nation's top accounting firms. The annual awards recognize accounting firms that have made unique contributions to the accounting profession. Naden/Lean was selected for its "outstanding performance in revenue growth, profitability, practice, diversification, client service and productivity." The company is located at 2330 W. Joppa Road in Lutherville.

Send business-related items to
Meredith Schlow, c/o Towson Times,
409 Washington Ave., Towson, Md.
21204. Or fax items to 337-2490.



FACTORY WAREHOUSE SALE

FRI, DEC 8 • 9 am to 8 pm
SAT, DEC 9 • 9 am to 8 pm

SUPER SAVINGS
ON FACTORY SERVICED,
BLEMISHED CARTON, EXCESS
AND DISCONTINUED INVENTORY

- Power Tools • Accessories
- Household Appliances

SANTA APPROVES

MICROFILMED

New
Expire 3/97
NW

FOOD SERVICE FACILITY PERMIT APPLICATION
BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 101
TOWSON, MD 21204
887-3616



RECEIVED

License Year

96-97

Application Date

3/18/96

ONE DAY FEE: (or multiple consecutive days) \$25.00/day

WESTERN
COMMUNITY SERVICES

Date(s) of Event

Location

Outdoor Event? Yes

ANNUAL FEE:

HIGH PRIORITY \$150.00

MEDIUM PRIORITY \$100.00

LOW PRIORITY \$60.00

Renewal (RENEWAL APPLICATIONS FILED AFTER MARCH 31 WILL PAY AN ADDITIONAL 50% PENALTY.)

New Owner? Former Name of Food Facility

New Facility? (All new applicants must be assigned a priority rating by DEPRM before submitting their application to the Department of Permits and Development Management.)

DEPRM Priority Rating

DEPRM Signature

Date

***** PLEASE PRINT OR TYPE *****

Trade Name of Establishment

CHARM CITY BAGEL CO.

Telephone

372-0500

Address

GROS YORK ROAD SUITE A B, MD

Zip Code

21212

Mailing Address

Zip Code

Owner's Name

JAMES G. THOMAS, JR

Local Telephone

321-4977

Type of Food Service Facility: Restaurant Carry-Out Catering Cart/Stand Other

Have there been major menu changes in the last year? Yes No

Is seating provided? If so, how many? 6

Is non-smoking area provided? Yes Sewage Disposal: Metro Private Water Service: Metro Private

Are there any alterations or changes being made to the premises? No If Yes, Describe:

Have plans and equipment schedule been submitted to Baltimore County DEPRM?

Yes

No

JAMES G. THOMAS, JR

321-4977

Applicant's Name (print or type)

Telephone

Applicant's Title

Signature of Applicant

TO BE COMPLETED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM)

APPROVED

Gretcheny Bachus

RS

4-3-96

NAME

TITLE

DATE

If Disapproved, State Reasons Why

TO BE COMPLETED BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Application/Permit No.

794

Fee 100.00

Penalty Fee

Cash Receipt No.

A292027

C.I.D. No.

Date Paid

3/18/96

Date Issued

4-17

Data Entered

Initials

MUST BE FILED IN DUPLICATE

SERVE ON THE FOLLOWING RESIDENT AGENT:
CLINTON T. BLACK VI 100 LIGHT STREET SUITE 1100 BALTIMORE, MARYLAND 21202

CITATION NO. 97-13

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

NAME OF PERSON(S) CHARGED: BALTIMORE BAGEL COMPANY, INC.

CURRENT ADDRESS IN FULL: 6805 YORK ROAD BALTIMORE, MARYLAND 21212

OWNER () OR OCCUPANT (X) RELATED CITATIONS :

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "RESTAURANT, CARRY-OUT", "RESTAURANT, STANDARD", "PARKING SPACE, OFF-STREET"; 102.1; 230; 409.6A2

NATURE OF VIOLATION: USE OF PROPERTY ZONED B.L. TO COMMIT THE FOLLOWING:

FAILURE TO PROVIDE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES TO SUPPORT THE COMMERCIAL USE TAKING PLACE FROM 6805 YORK ROAD

LOCATION AND DATE(S) OF VIOLATION: 6805 YORK ROAD BALTIMORE, MARYLAND 21212
JUNE 19, 1996 TO THE PRESENT

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$200 (\$200 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 23RD DAY OF JULY 1996.

2) YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

7/3/96
DATE

Hunter Rowe
OFFICE OF CODE ENFORCEMENT REPRESENTATIVE

BASED ON THE STATEMENT OF HUNTER ROWE, THIS CITATION IS HEREBY ISSUED THIS 3RD DAY OF JULY, 1996.

PROTESTANT'S
EXHIBIT NO. 4

[Signature]
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

ACKNOWLEDGMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE

MICROFILMED

SIGNATURE

TESTANTS EXHIBIT NO. 6

We the undersigned, feel that it is not in the best interest of the existing business community located in the 6700, 6800 & 6900 blocks of York Road to grant a Zoning Variance from Section 409.6 to allow 4 parking spaces in lieu of the 41 spaces required for the property located at 6805 York Road, as stated in Case Number : 97 - 64 -A (Item 71).

NAME

BUSINESS NAME & ADDRESS

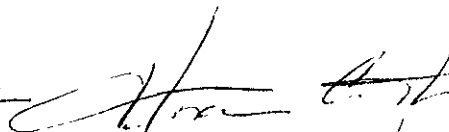
ED ROHL
Stephanie Rohl

HARRY LITTLE CHAIRY CUT 377-9657
6809 YORK ROAD
BALTO, MD 21212

VORSTON GROSSBLATT

North of Inblatt
PURDUM PHARMACY
6901 YORK ROAD 377-5600
BALTO, MD 21212

Victorina Thanner


K. Lee Gable, D.D.S. 377-0123
6905 York Rd
- Town of County of Baltimore
6821 York Rd 21212 377-0707

EP Duler

JOHN WOLKE

AUSTIN PHARMACY
6729 YORK RD 377-5300
BALT MD 21212

ROSE MARIE SMITH

FAIR CORNERS TRAVEL
6729 YORK RD 377-5400
BALTO, MD 21212

Jonell LaRue

Stonelengh Cycle & Hobby, Inc.
6717 York Road 377-4447
Baltimore MD 21212

UNRECORDED

We the undersigned, feel that it is not in the best interest of the existing business community located in the 6700, 6800 & 6900 blocks of York Road to grant a Zoning Variance from Section 409.6 to allow 4 parking spaces in lieu of the 41 spaces required for the property located at 6805 York Road, as stated in Case Number : 97 - 64 -A (Item 71).

NAME

BUSINESS NAME & ADDRESS

Peterson

Manfred Clemens Sennett LLC
6811 York Rd. 377-0500
Baltimore, Md. 21212

TIRAIR YEUSEPIADIS
T.Y.

N.Y. Deli
6707 York Rd Balt. Md 21212 377-5310

Cheryl Yonna

Kore Supreme Hair Styling
6705 York Rd 21212 377-9110

Tina Panayiotopoulos

Tony's Hair Styling 377-8836
6715 York Rd

Kathryn L. Mellor

Couragement Galleries, Inc.
6711 York Rd - 21212
377-3067

Rebelle Cooke

Steak n Eggs
6911 York Rd 377-9227

PERMITS
COMMIT NO. 7

CITATION NO. 97-15

BALTIMORE COUNTY, MARYLAND
CITATION FOR CIVIL ZONING VIOLATION
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

NAME OF PERSON(S) CHARGED: NGHIA TRONG HOANG
C/O HOANG'S SEAFOOD GRILL

CURRENT ADDRESS IN FULL: 16197 SULGRAVE AVENUE BALTIMORE, MARYLAND 21209

OWNER () OR OCCUPANT (X) RELATED CITATIONS :

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S) DID VIOLATE THE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS AND/OR THE BALTIMORE COUNTY CODE AS FOLLOWS:

SECTION NUMBER(S) VIOLATED: 101 "RESTAURANT, CARRY-OUT", "RESTAURANT, STANDARD", "PARKING SPACE, OFF-STREET"; 102.1; 230; 409.6A2

NATURE OF VIOLATION: USE OF PROPERTY ZONED B.L. TO COMMIT THE FOLLOWING:

FAILURE TO PROVIDE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES TO SUPPORT THE COMMERCIAL USE TAKING PLACE FROM 6803 YORK ROAD

LOCATION AND DATE(S) OF VIOLATION: 6803 YORK ROAD BALTIMORE, MARYLAND 21212
JUNE 19, 1996 TO THE PRESENT

TO RESPOND TO THE ABOVE CHARGE(S) LODGED AGAINST YOU, YOU MUST CHOOSE ONE OF THE OPTIONS BELOW:

1) YOU MAY PAY A FINE OF \$200 (\$200 FOR EACH ADDITIONAL DAY) BY CHECK OR MONEY ORDER PAYABLE TO THE DIRECTOR OF FINANCE, BALTIMORE COUNTY, MARYLAND, BY RETURNING A COPY OF THIS FORM ALONG WITH PAYMENT TO: DIRECTOR OF FINANCE, 1ST FLOOR, COURT HOUSE, TOWSON, MD 21204. THE PENALTY MUST BE PAID ON OR BEFORE THE 23RD DAY OF JULY 1996.

2). YOU MAY ELECT TO STAND TRIAL IN THE DISTRICT COURT OF MARYLAND. TO DO THIS, YOU MUST NOTIFY THE BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT BY FILLING IN THE ATTACHED PORTION OF THIS CITATION AND RETURNING IT TO THE ZONING ADMINISTRATION OFFICE AT LEAST FIVE (5) DAYS BEFORE THE PAYMENT DUE DATE AS SET FORTH IN THE FINE PAYMENT SECTION ABOVE. THE DISTRICT COURT WILL NOTIFY YOU OF THE DATE AND TIME OF TRIAL.

IF THE FINE REMAINS UNPAID AT THE EXPIRATION OF THE THIRTY-FIVE (35) DAYS FROM THE DATE OF THE CITATION, THE ZONING ADMINISTRATOR MAY REQUEST ADJUDICATION OF THE CASE IN DISTRICT COURT, AT WHICH TIME THE PERSON IS LIABLE FOR AN ADDITIONAL FINE NOT TO EXCEED TWICE THE ORIGINAL FINE. IF YOU FAIL TO APPEAR AT THE TRIAL, A BENCH WARRANT WILL BE ISSUED FOR YOUR ARREST.

I DO SOLEMNLY AFFIRM THAT THE CONTENTS STATED ABOVE ARE CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

7/3/96
DATE

[Signature]
OFFICE OF CODE ENFORCEMENT REPRESENTATIVE

BASED ON THE STATEMENT OF HUNTER ROWE, THIS CITATION IS HEREBY ISSUED THIS 3RD DAY OF JULY, 1996.

[Signature]
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

ACKNOWLEDGMENT

I ACKNOWLEDGE RECEIPT OF A COPY OF THIS CITATION AND HEREBY PROMISE TO PAY THE FINE OR REQUEST A TRIAL DATE AS REQUIRED BY LAW. I UNDERSTAND THAT THE ACCEPTANCE OF THIS CITATION IS NOT AN ADMISSION OF GUILT.

DATE

SIGNATURE

MICROFILMED

EATS

ADVERTISING
EXHIBIT NO. 8

Sushi is suddenly hot here, and new Hoang's has it

By LAURA ROTTENBERG
SPECIAL TO THE SUN

Scotland's Loch Ness Monster, Bermuda's Triangle and the hirsute Sasquatch of the Pacific Northwest have nothing on Baltimore's new, unexplained phenomenon. You see, sushi bars are suddenly taking over empty spaces all over the city. Sushi restaurants are opening at a rapid clip, while existing restaurants are tacking on sushi bars willy-nilly.

As the rest of the country cools in its affection for raw fish, dried seaweed and sticky rice, our city is gearing up. Soon you will probably be able to order an Arch Deluxe with a side of California roll at Baltimore's McDonald's restaurants.

Hoang's Sushi & Noodle Cafe, an offshoot of Hoang's in Mount Washington Village, has caught the bug. Opened just six weeks ago in North Baltimore, it is exclusively takeout and delivery, trafficking mostly in nice Vietnamese noodle dishes. It also has extensive sushi selections and a smattering of Thai and Chinese standbys to hedge its bets.

It's a shame that the menu is so ethnically muddled. While Baltimore has any number of places to enjoy a tekka maki (tuna roll), there are few locales where one can grab a restorative bowl of pho, the aromatic, brothy noodle dish of Vietnam. All of Hoang's phos require a little assembly. A big container



Sushi chef: Fernando Ramirez prepares a sushi tray at the new Hoang's.

houses fat noodles, scallion and your choice of chicken, vegetables, thinly sliced flank steak or meat balls. Another vessel is filled with an aromatic chicken stock, infused with the heady scent of star anise. When mixed, the soup is honey and, at the same time, richly exotic. Another shrimp and pork dumplings is burdened with a humdrum

broth, but it is still satisfying. Vietnamese summer rolls are a fresh and lively accompaniment to the soups. Translucent rice noodle enlids steamed shrimp, green leaf lettuce and mint leaves. These are served with a smooth peanut sauce.

Skewered, grilled meats are given careful treatment at

Lots of atmosphere, with architectural frescoes, potted palms, contemporary furniture and a chi-chi bar. It's a bistro with pizzazz: lots of fresh herbs, interesting ingredients. It's a chain, but with dishes like garlic mustard potatoes and a mixed seafood grill on fresh spinach with a citrusy sauce. Entrees \$9-\$15. AE, D.C.M.C.V.

Taiwan 1026 S. Charles St., (410) 752-3310. Small and personal, with delicious and imaginative "Mediterranean fusion" food. Eggplant soup, cards.

sleek, spare dining room and gorgeously convoluted food to Baltimore. Think East meets Southwestern, as rare tuna with wasabi and snow pea cole slaw. Entrees \$15-\$29. AE, D.C.M.C.V.

Manor Tavern, 1839 Old York Road, Monkton, (410) 771-8155. Contemporary cuisine and light fare. Entrees \$8-\$23.95. Major credit cards.

Madrigal's Restaurant, 331 St. John St., Havre de Grace, (410) 575-6900. (900) 300-8319. Beef, seafood, pasta.

Broadway, (410) 522-2185. Modern American with a Southern accent. Entrees \$12-\$18. Major credit cards.

Sly Horse Tavern, 1678 Village Green, Crofton, (410) 721-4550. Seafood, veal and steak. Entrees \$13.95-\$21. AE, M.C.V.

Spice & Charlie's, 1225 Cathedral St., (410) 752-3144. Serious chic restaurant and wine bar. Lots of style, serious food, excellent whole-wheat bread, an expertly chosen wine list. Menu changes with the seasons, but look for the sea scallop

The pairing of Thai and Vietnamese dishes is not too surprising. Geography and a similar palette of flavors — lime, mint, basil, hot chilies — make these two cuisines complementary. In fact, traditional pad Thai is not so far removed from pho Xao, a pan-fried rice noodle jumble with meats and veggies.

This synergy, however, does not extend to the Japanese cuisine. One evening's maki sushi — or small roll — paired bland rice with musty yellowtail and unagi (eel). A big dab of wasabi (Japanese green horseradish) certainly enlivened the fish, but it clashed with the more delicate flavors in our Vietnamese dishes.

Hoang's was not taking credit cards as this review went to press, but it might be by the time you visit; call ahead. Also, the owners hope to offer indoor seating soon. One caveat: Although Styrofoam containers are carefully wrapped in plastic, there may still be significant leakage en route to home.

Hoang's Sushi & Noodle Cafe

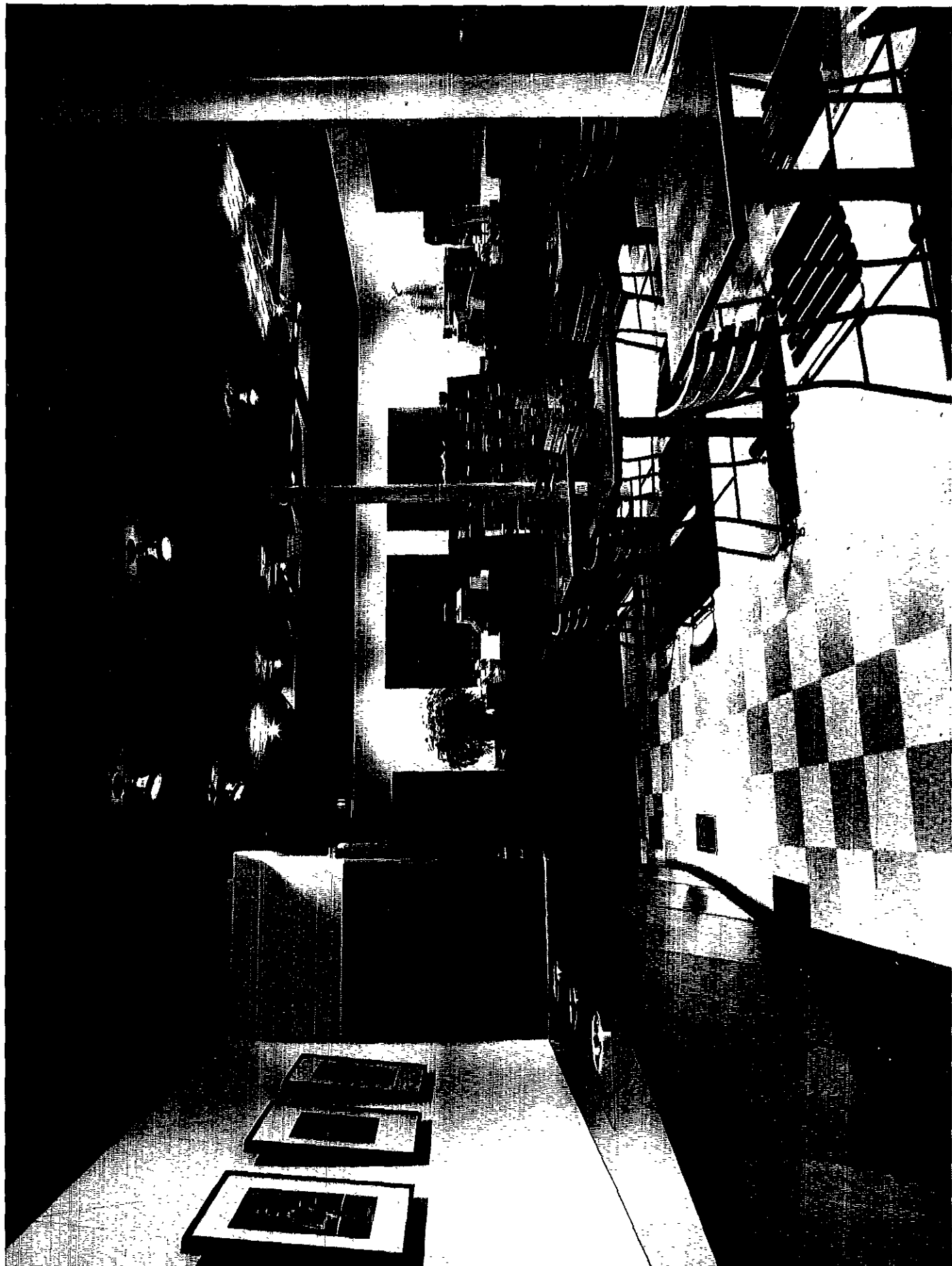
6805 York Road
(410) 377-2500
Hours: Open Tuesday through Sunday, 11 a.m.-10 p.m.
Credit cards: No cards
Prices: Appetizers, \$2.70-\$7.95; entrees, \$6.95-\$14.95

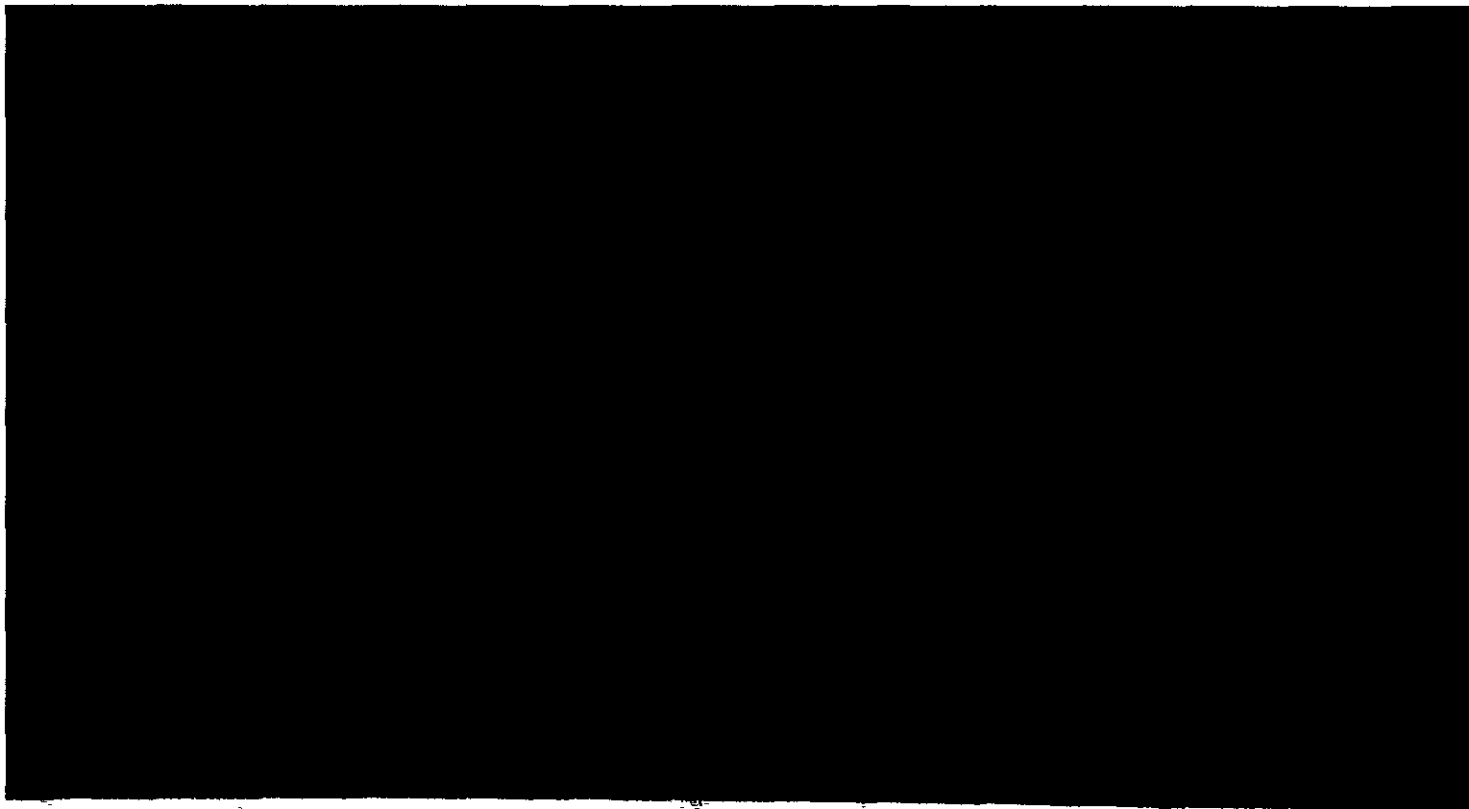
\$5.75-\$13.25. No credit cards.

Captain James Landing, 2127 Boston St., (410) 327-8600. Seafood, steak and Greek dishes. Entrees \$12.95-\$38.95. Major credit cards.

Cityliner, 413 N. Charles St., (410) 547-0777. '50s decor, red and checkerboard tile. Fun dinner food. Entrees \$4.99-\$8.99. V.M.C.

Double-T Dinner, 6300 Baltimore National Pike, Catonsville, (410) 744-4151 and 1 Mountain Road, Glen Burnie, (410) 766-9669. American, Thai, Thai





UNCLASSIFIED

Protestant's
Exhibits
5A-5N

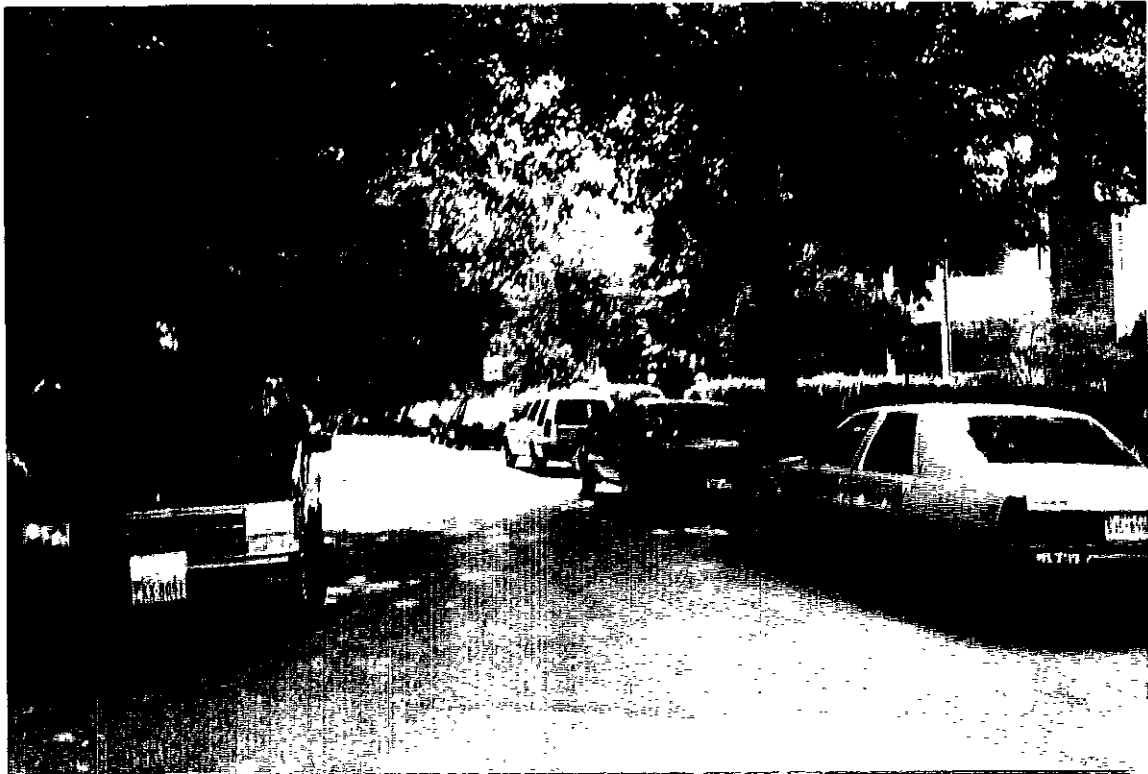
97-64-A

MICROFILMED









for a parking variance, deemed necessary, in order to keep the existing number of chairs and tables now present in this neighborhood bagel shoppe.

Name	Address	phone	signature
James Thomas	1054 Marleigh Circle	21204 321-4911	James Thomas
Hester Moser	411 Stanmore Road	Balt. 21212 321-0269	Hester Moser
Ellen Johns	8105 Glen Gary Rd	Balto 21234 828-5338	Ellen Johns
Dylan A. Lange	512 Dunkirk Rd	Balto, MD 21212 377-0569	Dylan A. Lange
Melchor Klein	6905 Arundale Rd	Balto, MD 321-0880	Melchor Klein
Cheryl Baden	4101 Old York Rd.	Balto, Md. 323-6597	Cheryl Baden
Edward Langmead	6803-B YORK RD	BALTO. 377-4616	Edward Langmead
Paul Holden	812 Cedarcroft Rd	Balto 21212	Paul Holden
Paul Knox	14329 Kono Ln. Sparks Md	21212 472-9413	Paul Knox
Bert Meyer	635 Murdock Rd	377-5838	Bert Meyer
DORNE MOREISON	303 Dunkirk Rd	377-2751	Dorene Moreison
Kate Lindenstuth	31 Cedar Ave.	823-8025	Kate Lindenstuth
Victoria B. Chou	334 Overbrook Rd	377-2593	Victoria B. Chou
Jane S. Tschang	400 Overbrook Rd.	311-7579	Jane S. Tschang
Bella Chou	334 Overbrook Rd	377-2593	Bella Chou
F. Edward Chou	6807 York Rd.	322-7018	F. Edward Chou
Andy Toth	153 Stanmore Rd	Balt 21212 321-6708	Andy Toth
SUSAN McLean	9 Aigburth RD	337-7013	Susan McLean
Gretchen Trageser	411 Aigburth Rd	337-7434	Gretchen Trageser
Michael Thomas	191 Stanmore Rd	321-0269	Michael Thomas
Janet Mueda	7115 York Road	769-8740	Janet Mueda
Michael Thomas	1005 Litchfield Rd	21239 377-5335	Michael Thomas
E. P. Allen	207 Dumbarton	BALT, MD 377-5602	E. P. Allen
Becky Gillman	Box 752 Ridewood Md	21139	Becky Gillman
Alex Markov	319 Dumbarton	Balto MD 21212	Alex Markov
Jan Markov	319 Dumbarton Rd	Balto MD 21212	Jan Markov
Kyle Osenberg	6017 Pinehurst Rd	Balto Md 21212	Kyle Osenberg
Tulie Rossi	909 Litchfield Rd	Balto Md 21239	Tulie Rossi

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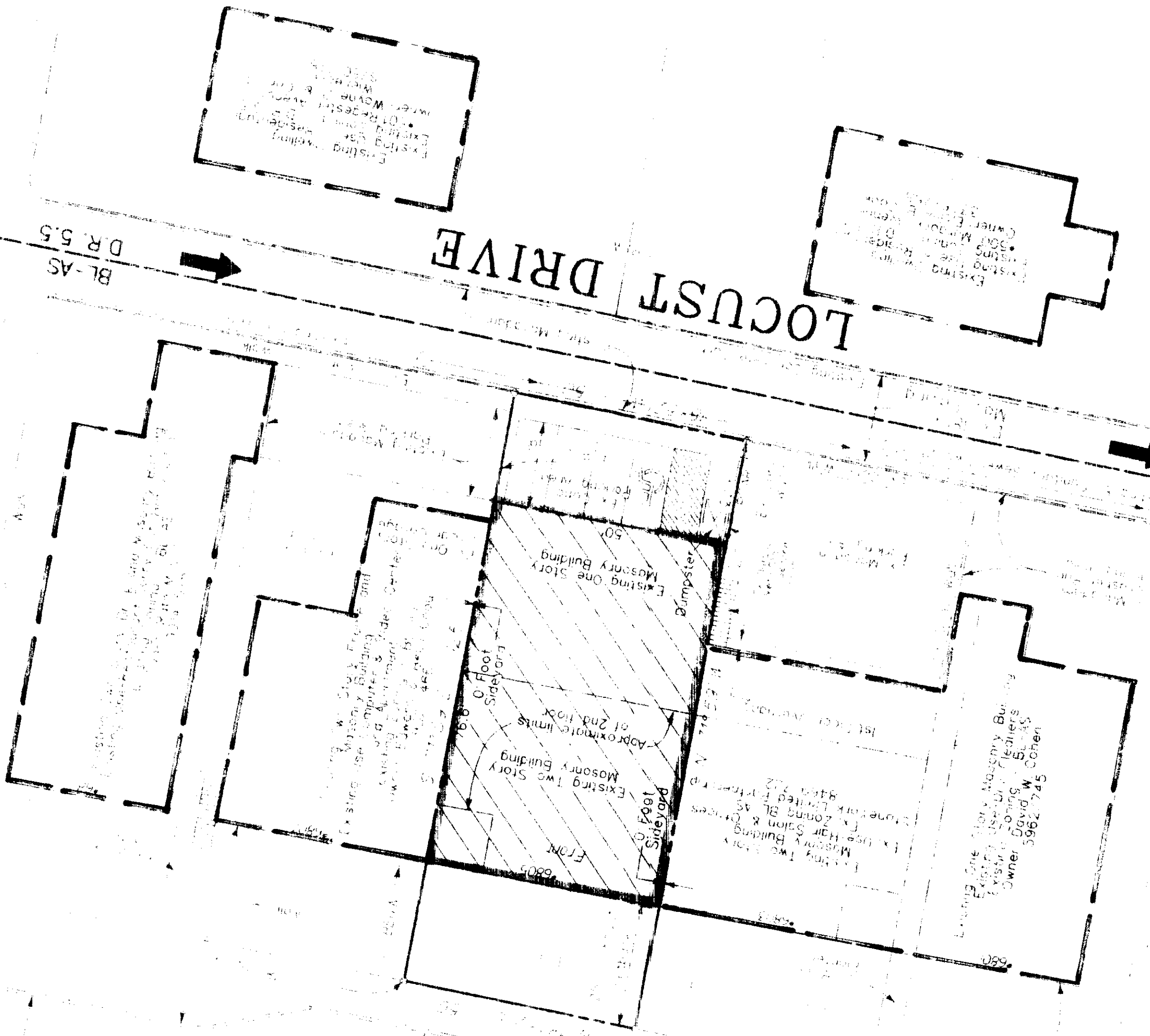
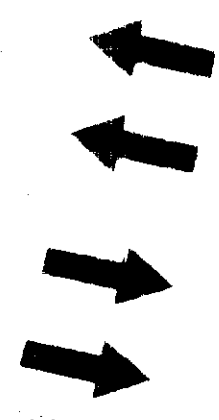
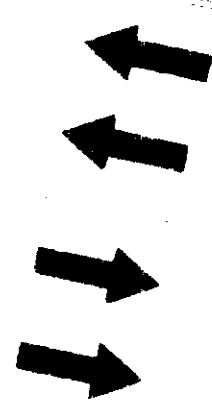
Petition #2

REGISTER AVENUE

YORK ROAD STATE RT. 45

LOCUST DRIVE

MURDOCK ROAD



VICINITY MAP

SITE DATA

PARKING TABULATION

NOTES

A copy of this petition shall be filed with the Planning Board and the Board of Public Works for their review and approval. The Planning Board shall hold a public hearing on this petition at a time and place to be determined by the Board. The Board of Public Works shall hold a public hearing on this petition at a time and place to be determined by the Board. The Board of Public Works shall make a recommendation to the Board of Public Works regarding the proposed petition.

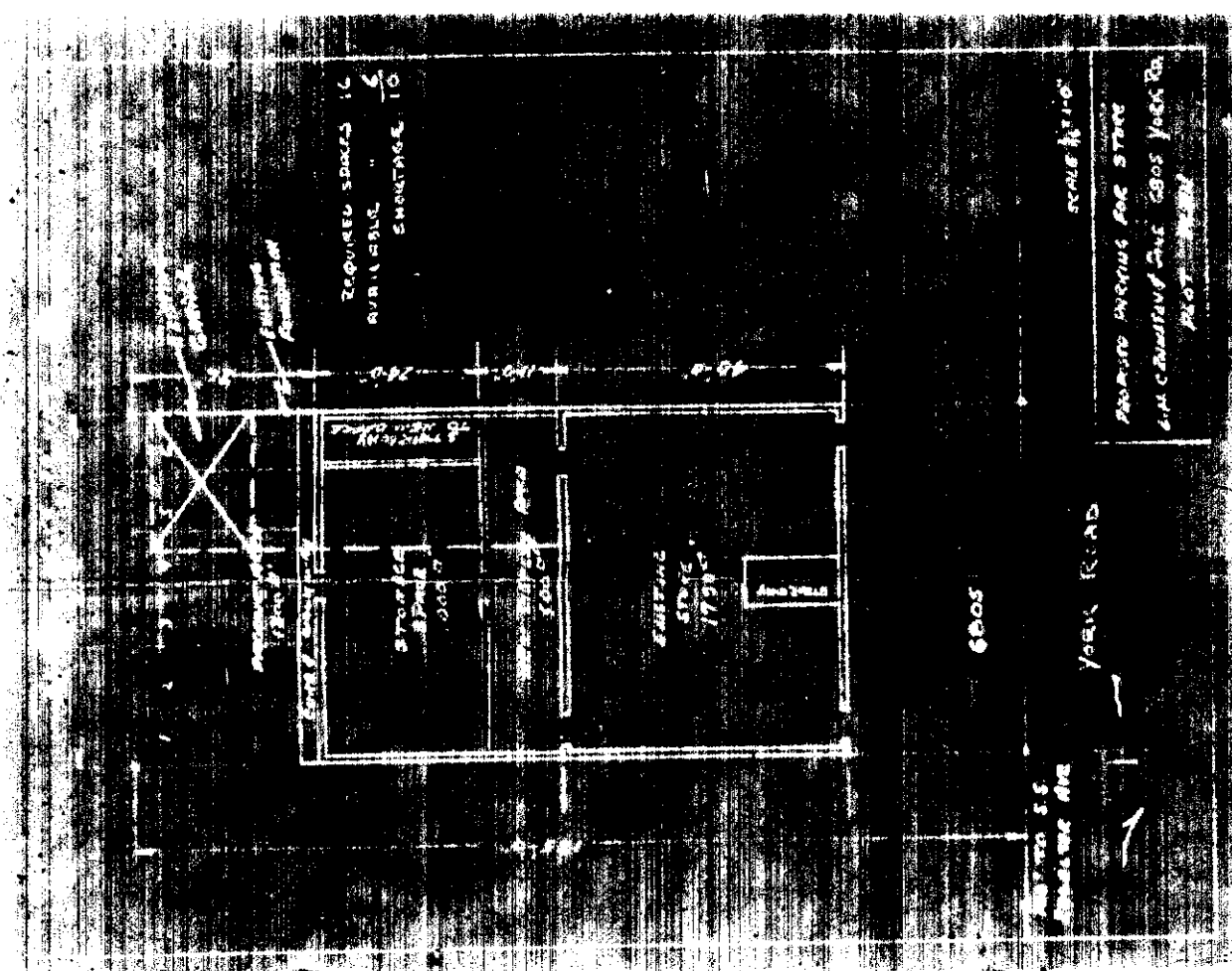
MATIS WARFIELD, INC.
CONSULTING ENGINEERS
6600 York Road, Suite 209
Baltimore, Maryland 21212
Phone: (410) 577-7596
Fax: (410) 577-7657



OWNER
STONEYORK LIMITED PARTNERSHIP
c/o Richard C. Baudiere
315 E Ridgley Road
Lutherville, Maryland 21093

PETITIONER
BALTIMORE BAGEL COMPANY
c/o Mr. James Thomas
6805 York Road
Baltimore, Maryland 21212
410-572-0500

PLAT TO ACCOMPANY
ZONING PETITION
NO. 6805 YORK ROAD
MICROFILMED
DATE OF MICROFILMING: AUGUST 1999



IN RE: PETITION FOR VARIANCE * BEFORE THE
E/S York Road, 100' S of * DEPUTY ZONING COMMISSIONER
Regeater Avenue
(6805 York Road)
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District * Case No. 97-64-A
Stone York Limited Partnership
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6805 York Road, located between Regeater Avenue and Murdock Road in Rodgers Forge. The Petition was filed by the owners of the property, Stone York Limited Partnership, by Andrew J. Georgelakos, Partner, and the Contract Lessee, Baltimore Bagel Company, Inc., by James Thomas, President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the required 41 spaces and to amend the previously approved site plan in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James G. Thomas, Jr., President, Baltimore Bagel Company, the Contract Lessee of the subject site, James Matis, Professional Engineer who prepared the site plan for this property, Robert Smith and Mark Andrews. The Petitioners were represented by Robert A. Hoffman, Esquire. Appearing in opposition to the request were Charles Whittington, Stephanie Rohe, and Jim Dobson, residents from the surrounding community.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.19 acres, more or less, zoned B.L.-A.S., and is improved with a two-story brick and block building which houses a variety of commercial uses. Included among those uses is a restaurant/carry-out establishment known as Harry Little, a computer and video store, a hair salon, business offices, a dry cleaning business, another restaurant known as Hoang's, and the Baltimore Bagel Company, trading as Charm City Bagels, which occupies approximately 1,915 sq.ft. of the subject building. The first floor of the building is occupied by the Baltimore Bagel Company, and the adjacent restaurant known as Hoang's, which also occupies 1,915 sq.ft. The second floor of the building is utilized as general office space and consists of 1,572 sq.ft. The building has a basement which is used for storage purposes only and consists of 2700 sq.ft. As a result of a complaint filed against the owner of the shopping center for insufficient parking, it was discovered that the Petitioners lacked the required number of parking spaces for their use on the property and that a variance was necessary in order for them to continue their operation on the premises.

Appearing and testifying on behalf of the Baltimore Bagel Company and in support of the request was James G. Thomas, Jr. Mr. Thomas is the President of the company and both owns and operates the business at this location. Mr. Thomas testified that he has operated his bagel business from the subject site for approximately the past nine months. He testified that he and his investors performed substantial renovations to the subject property in order to build out the 1,915 sq.ft. of leasable space into a bagel shop. Mr. Thomas testified that he presently employs 13 individuals who work for him over the course of the week and that his hours of operation are 7 days a week, from the early morning hours to late

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afternoon. Mr. Thomas testified that his business is not open for dinner or in the evening hours.

Mr. Thomas testified concerning the revenue he has earned up to the date of the hearing. His statistics and records show that 78% of all his business is carry-out. The Petitioner does provide tables and chairs within the store for patrons to sit and dine. Photographs of both the interior and exterior of the bagel shop were submitted into evidence as Petitioner's Exhibits 3A and 3B. At the present time, the Petitioner has 30 chairs, some of which are located outside the bagel store on the sidewalk. Mr. Thomas indicated that many of his patrons will make their purchases and sit for a few moments, long enough to consume their meal and converse with friends or read the paper. Mr. Thomas wishes to continue this seating arrangement in that he feels it best serves the needs and desires of his customers. Mr. Thomas also submitted a Petition of Support which was signed by 840 individuals who are neighbors and community residents from the surrounding area. The Petition indicates that these individuals are in favor of the bagel shop and the variance to parking regulations. Furthermore, Mr. Thomas met with and obtained several letters of support from the surrounding community associations. Submitted into evidence as Petitioner's Exhibits 5A, 5B, and 5C were letters from the Greater Towson Council of Community Associations, Inc., the Anneslie Community Association, and the Rodgers Forge Community Association, all of whom support the request for variance, provided certain terms and conditions are placed upon the use of this property.

Mr. Thomas admitted that the parking arrangement for all of the businesses at this location is at a premium. However, he testified that his customers as well as his employees and the patrons of the other busi-

- 3 -

nesses in the area have been able to cope with the shortage of parking that exists for all of the businesses in this particular building. Mr. Thomas indicated that he has not witnessed nor heard any complaints from his customers as to inadequate parking. If the variance is granted, Mr. Thomas agrees to be restricted to provide seating for no more than 30 customers at a time, both in and outside the restaurant. He further agreed that the variance only applies to the Baltimore Bagel Company and that the variance would terminate upon the discontinuance of his use of the property.

As noted above, several individuals appeared in opposition to the request. Ms. Stephanie Rohe, who owns and operates the restaurant and carry-out business known as Harry Little, predominantly led the opposition to the Petitioner's request for variance. Ms. Rohe's restaurant is located at the end of the building at the corner of York Road and Regeater Avenue. She testified that she has owned and operated Harry Little's for the past 15 years and that she has been a resident of Anneslie for 20 years. She is opposed to the granting of a parking variance for the Baltimore Bagel Company, and argued that the customers and patrons of that business monopolize the limited number of parking spaces that are available in this area. She believes that the Petitioner has overburdened the use of the property by adding outdoor seating for his customers which encourages them to stay for longer periods of time while enjoying their food. She noted that her business is strictly a carry-out operation, wherein no seating is provided for customers. Her customers come in, place an order, and leave upon receiving their order. Whereas, at the Bagel Shop, patrons will sit at a table, read the paper, eat their food, and converse with friends or other customers, thereby causing patrons to linger longer and thus utilizing a parking space for a longer period of time. Ms. Rohe indicated, and the

- 4 -

testimony showed, that many people from the surrounding community walk to the businesses at this location. However, many others do drive to the property, and therefore, take up parking spaces.

In further support of her position, Ms. Rohe submitted into evidence as Protestant's Exhibits 5A through 5G, various photographs of the surrounding area which show that all available parking is utilized. She further testified that parking for all of the businesses in this area is at a premium and pointed out that Mr. Thomas has been inconsistent in disclosing the number of seats he intends to provide for his customers. Ms. Rohe submitted into evidence as Protestant's Exhibit 3, a copy of the food service permit application filed by Mr. Thomas wherein it is indicated that seating for up to six customers will be provided. Ms. Rohe also submitted into evidence as Protestant's Exhibit 1, a copy of Mr. Thomas' building permit application, wherein it is indicated that no seating would be provided on the premises, only carry-out service. Furthermore, submitted into evidence as Protestant's Exhibit 2 is a copy of an article that appeared in the Towson Times which states that the Petitioner intends to provide seating for up to 30 customers. Ms. Rohe believes that Mr. Thomas has not been forthright in disclosing the number of seats he intends to provide at his business, and she believes that this issue should have been resolved prior to the opening of the Charm City Bagel Shop. Ms. Rohe also submitted a Petition which had been circulated among the various other business owners and operators in this area, all of whom signed in opposition to the granting of the variance. Ms. Rohe testified that her objection to the granting of a variance is consistent with that of the other business owners in this area and that her primary complaint is that the Charm City Bagel Shop monopolizes the limited number of parking spaces

- 5 -

that is available to all of the businesses at this location. She is therefore opposed to the granting of the variance and believes that the Petitioner should not be allowed to provide seating in his restaurant.

Mr. Charles Whittington, a nearby resident on Kingston Road, also appeared and testified in opposition to the variance. Mr. Whittington is concerned over the encroachment of commercial uses into the surrounding residential neighborhoods. He testified that individuals visiting the area for business as well as pleasure have double-parked along York Road. He is opposed to this commercial encroachment into his residential community and believes that these businesses should be kept in check.

In deciding whether a variance to parking requirements should be granted, the first issue to be determined is what type of restaurant use is being operated at the subject location. The Petitioner argued that his use is a carry-out restaurant and meets the definition of same as found on Page 1-26 of the B.C.Z.R. The Protestants assert that the petitioner is operating a standard restaurant, as that term is defined on Page 1-26A of the B.C.Z.R. The classification of the restaurant type is important in that the amount of parking required is determined by the particular type of restaurant use. For example, the number of parking spaces required for a carry-out restaurant is 5 spaces per 1,000 sq.ft. of gross floor area; however, the parking requirements for a standard restaurant are 16 spaces per 1,000 sq.ft. of its gross floor area.

Section 101 of the B.C.Z.R. defines a carry-out restaurant on Page 1-26 as "An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or fax machine and whose principal characteristic is that food and beverages are consumed off the premises."

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Testimony offered by the Petitioner was that 78% of his customers take their purchases off the premises for consumption. Furthermore, there are no waiters or waitresses to take orders from patrons who are seated within the restaurant. Finally, the product offered for sale is "ready-to-consume food" which is ordered over the counter within the Bagel Shop.

After considering the testimony and evidence offered by the Petitioner as well as the Protestants, I find that the business operated on the subject property by the Baltimore Bagel Company, is that of a carry-out restaurant, as that term is defined in the B.C.Z.R., and as such, that use of the property requires a minimum of 5 parking spaces per 1,000 sq.ft. of gross floor area.

The Protestants argued that inasmuch as the Petitioner provides seating within his restaurant, it automatically prevents him from being considered as a carry-out restaurant. However, nowhere contained within the definition of a carry-out restaurant is there a restriction or prohibition on providing seating. Therefore, I believe it is permissible for a carry-out restaurant to have a limited number of seats for its patrons. It is also important to note that each case is decided based on its own merit. In my opinion, based on the facts and evidence presented, the use of the subject property by the Baltimore Bagel Company as a carry-out restaurant applies only to the Petitioners in this case. Other such businesses may differ somewhat from the operation of this particular establishment and therefore, cannot benefit from the decision rendered in this matter to classify the Baltimore Bagel Company as a carry-out restaurant.

Having determined that the Bagel Shop is a carry-out restaurant, the regulations require that the Petitioner provide 5 parking spaces for every 1,000 sq.ft. of gross floor area. Inasmuch as the Petitioner occu-

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pies 1,915 sq.ft. of space, he must provide a minimum of 9.58 parking spaces, or 10 spaces total. The site plan and testimony offered revealed that the Petitioner only has 4 parking spaces available on-site. Therefore, a variance of 5.58, or 6 parking spaces is necessary, and as such, the Petitioner's request for variance is appropriate.

As stated previously, the testimony and evidence offered in this case involves the Baltimore Bagel Company operating as Charm City Bagel Company. The decision rendered in this matter shall only apply to the Charm City Bagel Company, and not to any other tenant of the subject building.

At the conclusion of the hearing in this matter, I indicated that I would personally make a site inspection of the property and on seven separate occasions, I visited the Bagel Shop and surrounding businesses. I visited both during the morning hours and lunch time hours, and made one inspection and visit on a Saturday morning. These visits were made in an attempt to determine whether a parking variance would be appropriate for this particular business. Based upon my observations during the course of these site visits as well as the testimony and evidence offered at the hearing, I find that the relief requested is appropriate and that a variance should be granted. Certain restrictions will be imposed at the end of this Order, however, to insure that the operation of the Charm City Bagel Shop at this location will not be detrimental to the surrounding community. The businesses in this commercial strip have existed in this location for over 40 years. The parking situation has remained the same. That is, there has always been only a very limited number of parking spaces for the tenants of this building. The customers, patrons and residents of the area have adjusted to this parking situation, and the businesses have continued to operate, in spite of these parking deficiencies.

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the required 10 spaces and to amend the previously approved site plan in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces, in accordance with Petitioner's Exhibit 1. be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to the Baltimore Bagel Company, Inc., trading as Charm City Bagel Company. In the event the Baltimore Bagel Company ceases to operate its business on the premises, then the parking variance granted herein shall cease and terminate. This variance shall not apply to Hoang's or the office space located on the second floor of the subject building, as no testimony was offered regarding those uses.
- 3) The hours of operation of the subject business shall be limited to 6:00 AM to 4:00 PM, seven days a week.
- 4) The Petitioner is prohibited from providing any more than 25 seats total, either inside or outside the Bagel Shop. This limited seating shall insure that the principal business of the Bagel Shop is for carry-out purposes, only.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 14, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
E/S York Road, 100' S of Regester Avenue
(6805 York Road)
9th Election District - 4th Councilmanic District
Stone York Limited Partnership - Petitioner
Case No. 97-64-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Andrew J. Georgelakos, Partner, Stone York L.P.
c/o Constellation Realty Mgmt., 100 West Road, Suite 505, Towson,

Mr. James Thomas, President, Baltimore Bagel Company, Inc.
6805 York Road, Baltimore, Md. 21212

Ms. Stephanie Rohe, 6805 York Road, Baltimore, Md. 21212
Mr. Charles Whittington, 701 Kingston Road, Baltimore, Md. 21212
Mr. Jim Dobson, 510 Murdoch Road, Baltimore, Md. 21212

Robert Taylor, Jr., Esquire, and Lloyd D. Lurie, Esquire,
Ingerman & Horwitz, 1228 N. Calvert Street, Baltimore, Md. 21202
People's Counsel; Case File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9TH Date of Posting: 9/20/96
Posted for: CASE # 97-64A ITEM 71
Petitioner: BALTIMORE BAGEL COMPANY, INC.
Location of property: 6805 YORK ROAD
Location of Sign: LOCATED IN FRONT STOREFRONT
WINCON
Remarks: James W. Ormrod
Posted by: Signature Date of return: _____
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 22, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 22, 1996.

THE JEFFERSONIAN,

A. Henrichs
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the County Board of Appeals, has scheduled a public hearing on the Petition for Variance from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 parking spaces in lieu of the 10 spaces required and to amend the site plan approved in prior Case No. 4906, which allowed a parking variance of 6 spaces in lieu of the then required 16 spaces, in accordance with Petitioner's Exhibit 1. be and is hereby GRANTED, subject to the following restrictions:

Case #97-64-A
Item 71
E/S York Road, 100' S of Regester Avenue
9th Election District - 4th Councilmanic District
Stone York Limited Partnership
Legal Owner(s): Baltimore Bagel Company, Inc.
Contract Purchaser(s): Baltimore Bagel Company, Inc.
Hearing: Thursday, September 12, 1996 at 9:00 a.m. in Room 118, Old Courthouse
H&D, Old Courthouse

NOTES: (1) Hearings are handicapped accessible. For special accommodations, please call 887-3353.
(2) For information concerning the public hearing, please call 887-3353.
9/8/96 CHD



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 71 Petitioner: Baltimore Bagel Company

Location: 6805 York Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara W. Ormrod

ADDRESS: 210 Allegheny Ave.

Towson, Md 21204

PHONE NUMBER: 494-6201

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 6805 York Road
which is presently zoned BL-AS

97-64-A

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made part of hereto, hereby petition for a Variance from Section(s) 409.6 to allow 4 parking spaces in lieu of the 10 spaces required and to amend the site plan approved in Zoning Variance Case No. 4906 (which permitted a parking variance of 6 spaces in lieu of the required 16 spaces).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Baltimore Bagel Company, Inc.

(Type or Print Name)

Signature By: James Thomas, President

6805 York Road

Baltimore, MD 21212

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature: Robert A. Hoffman

210 Allegheny Ave.

Towson, MD 21204

City State Zipcode

Legal Owner(s):

Stone York Limited Partnership

(Type or Print Name)

Signature: Andrew J. Georgelakos, Partner

210 Allegheny Ave.

Towson, MD 21204

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature: Robert A. Hoffman

210 Allegheny Ave.

Towson, MD 21204

City State Zipcode

ESTIMATED LENGTH OF HEARING: 30

Unavailable for Hearing the following dates:

Next Two Months

ALL OTHER DATE: 8/19/96

REVIEWED BY: ma

MATIS WARFIELD
CONSULTING ENGINEERS

97-64-A

Description to Accompany
Zoning Petition
No. 6805 York Road
9th Election District

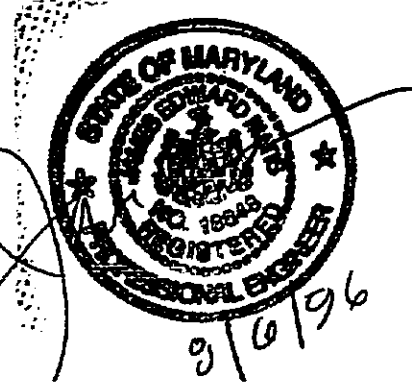
July 26, 1996
Rev. August 6, 1996

Beginning for the same at a point on the east side of York Road, said point distant South 18° 52' West 100 feet more or less from the southeast corner of York Road and Regester Avenue, running thence and leaving the east side of York Road:

- 1) South 71° 59' East 125 feet to the west side of Locust Drive, running thence along the west side of Locust Drive
- 2) South 18° 52' West 50 feet thence leaving said west side of Locust Drive
- 3) North 71° 59' West 125 feet to the east side of York Road, running thence and binding along the east side of York Road
- 4) North 18° 52' East 50 feet to the place of beginning.

Containing 0.144 acres of land more or less.

This description is intended for zoning purposes only and should not be used for conveyance of land.



#71



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-64-A (Item 71)
6805 York Road
S/S York Road, 100' S of Regester Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.

Variance to allow 4 parking spaces in lieu of the 41 spaces required and to amend the site plan approved in zoning variance case #4906.

HEARING: THURSDAY, SEPTEMBER 12, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Stone York Limited Partnership
Baltimore Bagel Company, Inc.
Robert A. Hoffman, Esq.

cc: Stephanie Rowe
Wayne Wienecke

NOTES: (1) JUDICIAL DATA AND REPORT MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 9/12/96
CASE NUMBER: 97-64-A (Item 71)
6805 York Road
S/S York Road, 100' S of Regester Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.

Variance to allow 4 parking spaces in lieu of the 41 spaces required and to amend the site plan approved in zoning variance case #4906.

HEARING: MONDAY, OCTOBER 7, 1996 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

ARNOLD JABLON
DIRECTOR

cc: Stone York Limited Partnership
Baltimore Bagel Company, Inc.
Robert A. Hoffman, Esq.
Stephanie Rowe
Wayne Wienecke



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 5, 1996

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 71
Case No.: 97-64-A
Petitioner: Andrew Georgelakos

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 8, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 5, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 6805 York Road

INFORMATION:

Item Number: 71

Petitioner: Stone York Limited Partnership

Property Size:

Zoning: BL-AS

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The site in question at 6805 York Road is within the Towson Community Plan area, along the York Road corridor in an area designated as Urban Center/Employment area. The adjacent residentially zoned property is within a Community Conservation area - Outer Neighborhood. The site is within an older shopping center that contains neighborhood commercial businesses, including an existing Harry Little's restaurant, video rental, dry cleaner, as well as Hoang's Seafood Carry-out and Charm City Bagels.

The shopping center obviously predates the most recent zoning regulations regarding parking Section 409 (Bill Nos. 26-88 and 36-88); it may predate the effective date of the Baltimore County Zoning Regulations. It appears to be nonconforming with regard to parking for retail or carry-out use. The site in question, occupied by Charm City Bagels, Hoang Seafood Restaurant and offices has only four parking spaces accessible from Locust Drive, and an 18' wide, one-way alley to the rear. The requested Variance for four spaces in lieu of the required 41 spaces would legitimize the existing restaurant use for Charm City Bagels.

Staff is not opposed to the requested Variance provided that every reasonable attempt is made to secure a lease agreement with an adjacent property owner within walking distance of the business. In addition, employees of the Baltimore Bagel Company should be restricted from parking in the adjacent residential community.

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. "Pat" Keller, III, Director, OP

The tree planters along the York Road frontage were part of a county streetscape program. The property owner should maintain the two planters, keeping them free of weeds, trash and debris. A ground cover planted in the planters would help eliminate some problems, but routine maintenance is still needed.

Prepared by: *Jeffrey M. Lory*

Division Chief: *Earl L. Kline*

APK/JL/lw
ITEM71/PZONE/ZAC1

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 08/15/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 19, 1996.

Item No.: SEE BELOW Zoning Agenda:

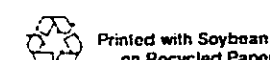
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 33, 35, 58, 60, 63, 64, 65, 66, 67, 68, 69 AND 71.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 071 (MJK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 5, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 6805 York Road

INFORMATION:

Item Number: 71

Petitioner: Stone York Limited Partnership

Property Size:

Zoning: BL-AS

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The site in question at 6805 York Road is within the Towson Community Plan area, along the York Road corridor in an area designated as Urban Center/Employment area. The adjacent residentially zoned property is within a Community Conservation area - Outer Neighborhood. The site is within an older shopping center that contains neighborhood commercial businesses, including an existing Harry Little's restaurant, video rental, dry cleaner, as well as Hoang's Seafood Carry-out and Charm City Bagels.

The shopping center obviously predates the most recent zoning regulations regarding parking Section 409 (Bill Nos. 26-88 and 36-88); it may predate the effective date of the Baltimore County Zoning Regulations. It appears to be nonconforming with regard to parking for retail or carry-out use. The site in question, occupied by Charm City Bagels, Hoang Seafood Restaurant and offices has only four parking spaces accessible from Locust Drive, and an 18' wide, one-way alley to the rear. The requested Variance for four spaces in lieu of the required 41 spaces would legitimize the existing restaurant use for Charm City Bagels.

Staff is not opposed to the requested Variance provided that every reasonable attempt is made to secure a lease agreement with an adjacent property owner within walking distance of the business. In addition, employees of the Baltimore Bagel Company should be restricted from parking in the adjacent residential community.

TO: Arnold Jablon, Director, PDM
FROM: Arnold P. "Pat" Jablon, III, Director, OP

The tree planters along the York Road frontage were part of a county streetscape program. The property owner should maintain the two planters, keeping them free of weeds, trash and debris. A ground cover planted in the planters would help eliminate some problems, but routine maintenance is still needed.

Prepared by: *Arnold P. Jablon*

Division Chief: *Carol L. Kline*

AFK/JL/lw
ITEM71/PZONE/ZAC1

PETITION PROBLEMS

#33 --- RT

1. Where has this petition been????
2. Only one signature was notarized.

#55 --- JRA

1. No zoning indicated on petition form.
2. No review information on bottom of petition form.

#58 --- MJK

1. Need title of person signing for legal owner.
2. Need telephone number of legal owner.

#60 --- MJK

1. Need telephone number for legal owner.

#61 --- ?????

Where is it??????

#62 --- JLL

1. Why does special hearing petition form list two legal owners and the variance petition form list only one legal owner.

#64 --- JLL

1. Need title of person signing for lessee.

#67 --- JJS

1. Need zoning on petition form - says "Res".

#70 --- ????

Where is it????

#71 --- MJK

1. Need telephone number for legal owner.

August 12, 1996

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: August 15, 1996
TO: Gwen Stephens
Zoning Review
FROM: James Thompson
Code Inspections and Enforcement
RE: Item No. 71
Baltimore Bagel Company
6805 York Road
9th Election District

Please be advised that the above-referenced public hearing is subject to an active citation case, No. 97-13.

When this matter is scheduled for a hearing please notify the following individuals:

1. Stephanie Rowe
605 Murdock Road
Baltimore, Maryland 21212
2. Wayne Wienecke
501 Regester Avenue
Baltimore, Maryland 21212

JHT/hek

c: Stephanie Rowe
Wayne Wienecke

RE: PETITION FOR VARIANCE
6805 York Road, E/S York Road,
100' S of Regester Avenue
9th Election District, 4th Councilmanic
Legal Owner(s): Stone York Limited Partnership
Contract Purchaser(s): Baltimore Bagel Company, Inc.
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-64-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO

Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Anneslie Community Association

September 19, 1996

Baltimore County Office of Zoning &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case #97-64-A (Item 71)
6805 York Road

Dear Sirs:

Regarding the requested variance (Case #97-64-A, Item 71), filed by The Baltimore Bagel Company, to allow 4 parking spaces in lieu of the required 41.

It is the general consensus of the Anneslie Community that supporting this variance would enhance and benefit our community, however the following conditions would be required:

- 1) The variance would be limited to only The Baltimore Bagel Company.
- 2) That the variance would expire when The Baltimore Bagel Company lease expires.

With these conditions met we would support a variance allowing seating, 30 seat maximum, at The Baltimore Bagel Company.

Best Regards,

Bill Metzger

Bill Metzger

President, Anneslie Community Association

cc: Greater Towson Community Council
Rodgers Forge Association
Stonleigh Community Association



THE GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, INC.
620 MURDOCK ROAD • BALTIMORE, MD • 21212

September 26, 1996

Baltimore County Office of Zoning
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Attn: Arnold Jablon

Re: Case No.: 97-64-A (Item 71)
6805 York Road

Dear Mr. Jablon:

We are aware of and are in receipt of a letter from Mr. Bill Metzger, President of the Anneslie Community Association with regard to that Association's position with regard to the above-captioned matter. Mr. Metzger put forth his Association's position at our regularly scheduled meeting on Thursday, September 19, 1996 at which time a vote was taken in support of the Community.

Please be advised that it is the position of the Greater Towson Council of Community Associations that the variance at issue should be issued for the Baltimore Bagel Company with the conditions that, (1) the variance be limited to only the Baltimore Bagel Company, and (2) that the variance expires when the Baltimore Bagel Company vacates the premises.

We share Anneslie's position that the Baltimore Bagel Company has been a positive influence in the community and it is hoped that through continuing discussions that any other issues that may arise between Baltimore Bagel Company and the community association can be amicably resolved.

Very truly yours,

Justin S. King

Justin S. King

JJK/mlw
cc: Bill Metzger, President
Baltimore Bagel Company



August 26, 1996

HAND-DELIVERED

Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 97-64-A
Baltimore Bagel Company, Inc., Petitioner

Dear Mr. Jablon:

On Thursday of last week, I received Notices of Hearing in three separate zoning cases. The cases have been scheduled on three successive days, and I am writing to ask that the third hearing, which is referenced above, scheduled for Thursday, September 12, 1996, at 9:00 a.m. be rescheduled to another date.

It is my understanding that I must post a sign for this hearing by tomorrow, and I would ask that you call me as soon as possible to let me know whether this case can be postponed in accordance with my request. I would only need a few additional days to make sure that I and my witnesses are properly prepared for the case.

If you are inclined to grant the requested postponement, please let me know whether I should post the sign and then cover it with a "postponed" sticker or whether I forego posting the sign at this time.

Please let me know at your earliest convenience.

Sincerely,

Robert A. Hoffman

Robert A. Hoffman

RAH:pvb
cc: Mr. James Thomas

TD1DOCS1/RAH01002972.01

2 / 1996

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

September 19, 1996

Mr. Lawrence E. Schmidt
Commissioner
Baltimore County Zoning Commission
400 Washington Avenue
Towson, Maryland 21204

Re: Baltimore Bagel Company, Inc.
Case No: 97-64-A (Item 71)
6805 York Road

Dear Commissioner Schmidt:

This shall serve to notify the Baltimore County Zoning Commission that Rodgers Forge Community, Inc. supports a variance to allow four (4) parking spaces in lieu of forty-one (41) spaces and to amend the site plan approved in zoning variance case #4906.

Please be advised, that at the September 18, 1996 meeting of the Board of Governors of the Rodgers Forge Community, Inc., the issue of whether to support the Baltimore Bagel Company's request for a parking variance was approved by a majority of the members present and voting. The Board of Governors, however, only supports this variance for the current retail operator, Baltimore Bagel Company, Inc., and if this business vacates the site, any new or replacement operator should be required to reapply for any necessary variances, if appropriate.

The community of Rodgers Forge feels that the Baltimore Bagel Company, Inc. is a positive addition to our neighborhood, and that it would present a undue hardship to require the operator to produce forty-one (41) parking spaces at the site. This business provides employment and provides a cordial gathering place for community residents. The zoning requirement that an eating establishment with seating provide parking to its customers is inappropriate for small commercial centers in older neighborhoods. Many community residents access this establishment by walking, and need not rely on their automobiles to visit this store.

If there are any questions concerning this matter, please feel free to let me know.

Sincerely,

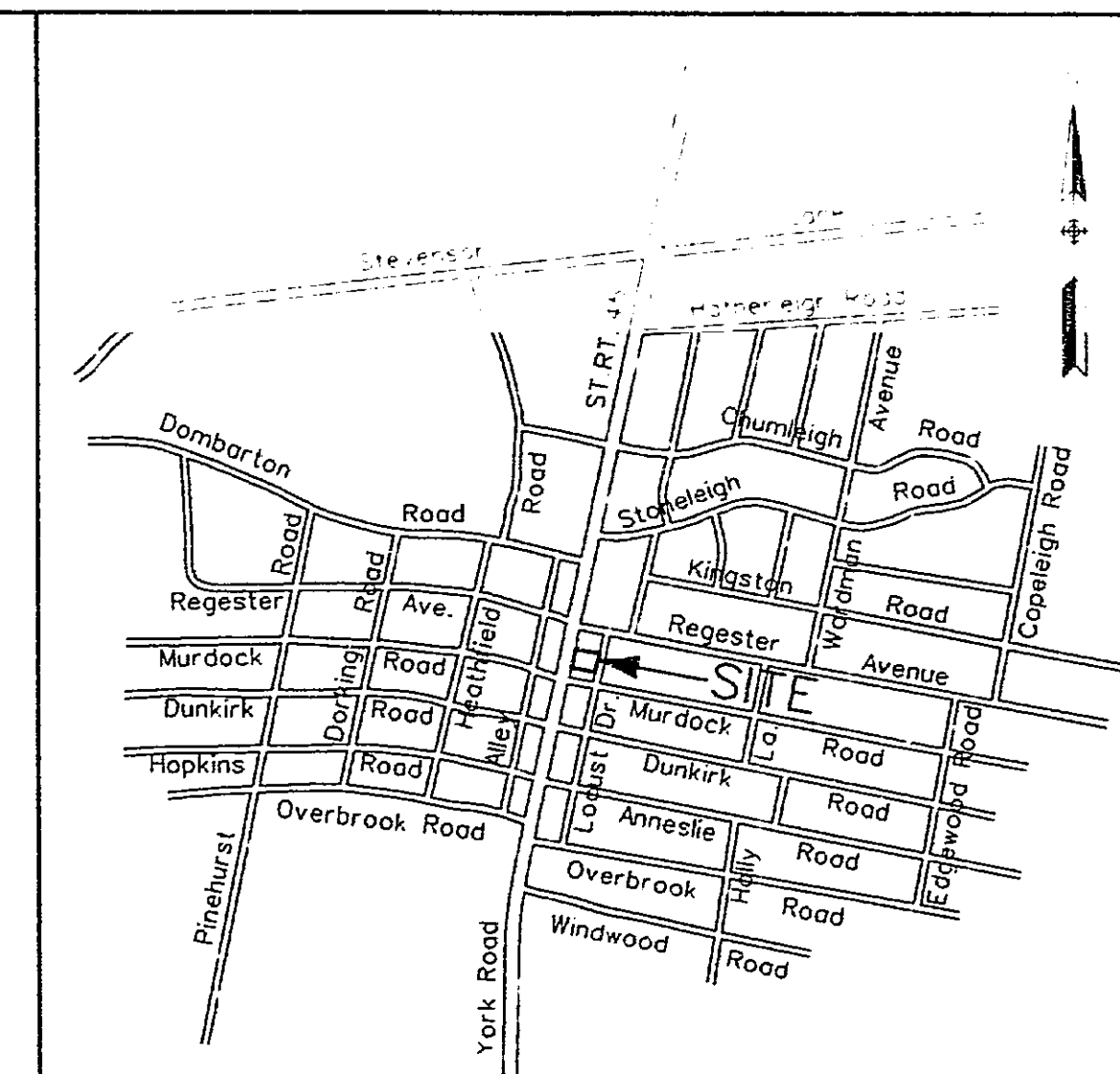
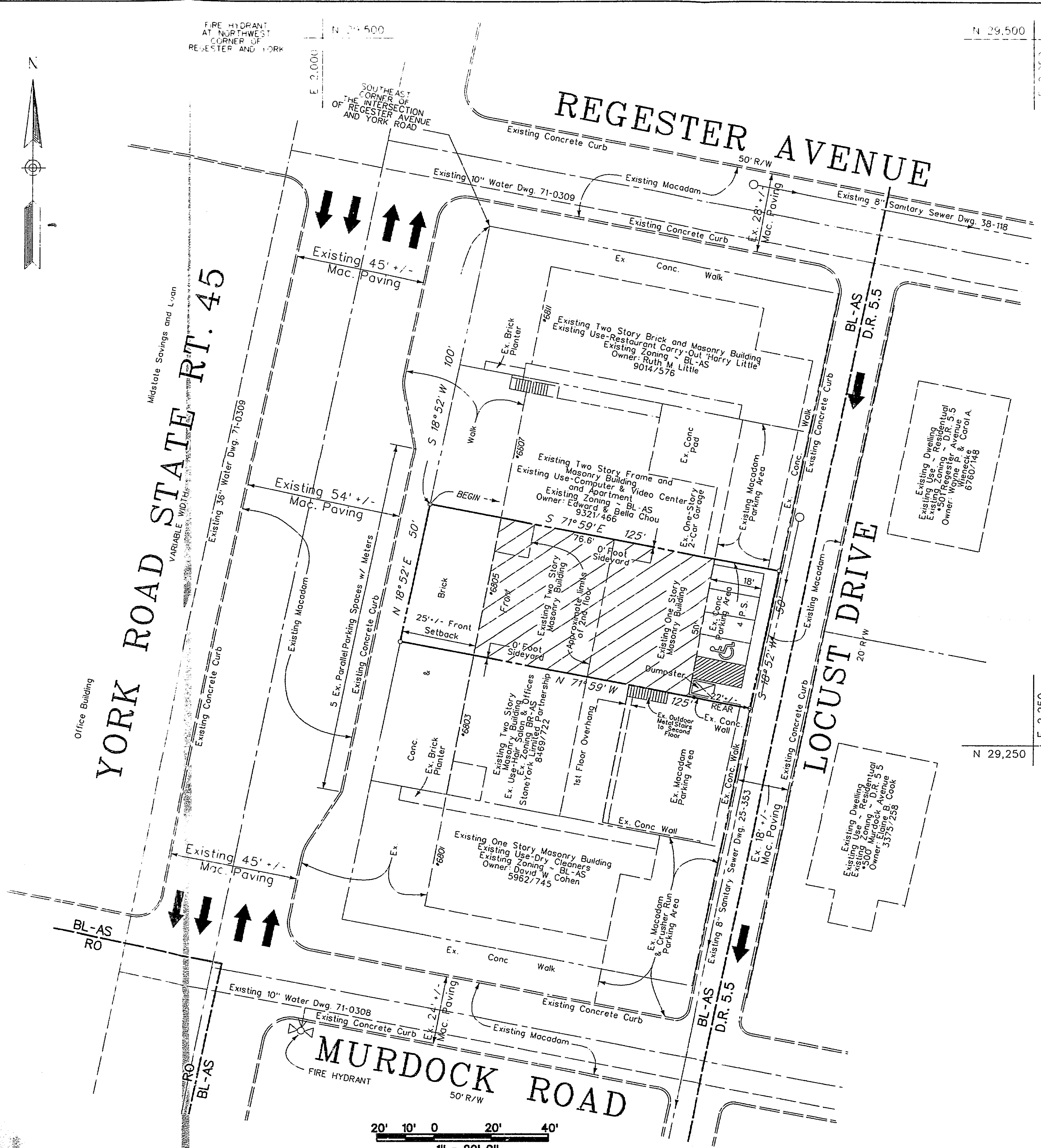
Janice Moore

Janice Moore
President



Protestant's
Exhibits
5A-5H
97 67-4





VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA

Gross area of site 0.19 acres +/-
 (The sides 30' of York Road and 10' of Locust Drive)
 Net area of site - 0.144 acres +/-
 Existing zoning - BL-AS
 Proposed use - Existing 2 Story Brick and Block Building with basement
 (Commercial use)
 2,700 sf +/- basement (storage)
 3,830 sf +/- 1st floor (restaurants, standard and carryout)
 1,572 sf +/- 2nd floor (general offices)
 Proposed use - same
 Floor area ratio - 0.98 existing and proposed (less than 3.0 permitted)
 Amenities open space - None Required
 Tax account # - 0903476090
 Dead reference - 8469/722
 Courtyard District - 4
 Building height - 25 feet +/-
 Previous commercial permits - unknown
 Previous zoning cases - Case 4906-Variance to permit 6 parking spaces.
 In lieu of 16 spaces granted with no restrictions.
 Signage - None proposed at this time. All future signage to comply with Section 413 BCZR and all zoning sign policies.
 Public water and sanitary sewer facilities exist.

PARKING TABULATION

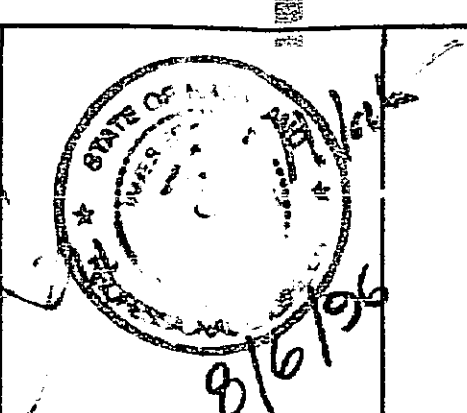
6805 YORK ROAD	
PARKING REQUIRED	
Basement	
2,700 sf Storage @ 0 sps/1,000 sf	= 0.00 spaces
First Floor	
Existing 2nd Floor Restaurant 1,915 sf @ 5 sps/1,000 sf	= 9.58 spaces
Baltimore Bagel Company 1,915 sf Standard Restaurant 16sp/1,000 sf	= 30.64 spaces
Second Floor	
1,572 sf of General Offices @ 3.3sp/1,000 sf	= 5.19 spaces
Total Parking Required Utilizing Shared Parking Adjustment	
Peak Hours at Weekday Evening From 4:00-6:30	
Offices (100% of 5.19 sps.)	= 0.52 spaces
Restaurants (100% of 40.22 sps.)	= 40.22 spaces
Total Parking Required	= 41 spaces
Total Parking Provided Onsite	= 4 spaces
Variance Requested	= 37 spaces
All parking spaces to be permanently striped on a durable and dust free surface. Parking spaces 6.5' x 18' typ. 1 van accessible handicap parking space provided @ 16' wide x 18' long	

NOTES:

- The property outline shown hereon is approximate only, as compiled from deeds and tax records, and does not represent a boundary survey.
- The floor space areas shown hereon are approximate only, and are compiled from field measurements and rental information.
- The prior variance of 10 parking spaces (CASE 4906) was not utilized in determining the number of parking spaces required.

A Variance is requested to Section 409.6 BCZR to permit a total of 4 parking spaces in lieu of the required 41 spaces and to amend prior Zoning Case No. 4906 which permitted a total of 6 parking spaces in lieu of the required 16 spaces..

JOHN WARFIELD, INC.
 CONSULTING ENGINEERS
 1500 York Road Suite 209
 Baltimore, Maryland 21212
 Phone (410) 377-7596
 Fax (410) 377-7657



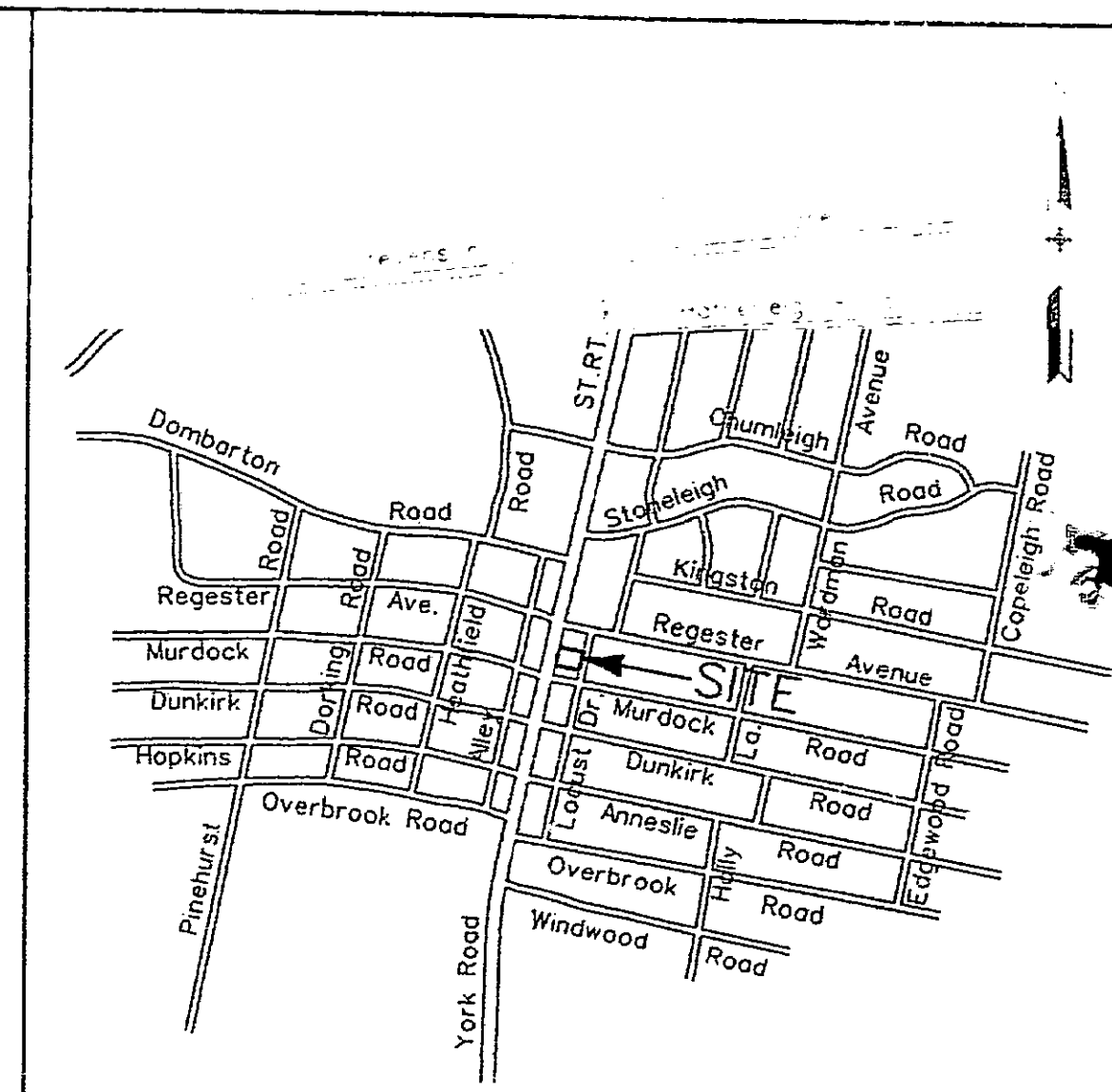
OWNER
STONEYORK LIMITED PARTNERSHIP
 c/o Richard C. Bandiere
 313 E. Ringler Road
 Lutherville, Maryland 21093

PETITIONER
BALTIMORE BAGEL COMPANY
 c/o Mr. James Thomas
 6805 York Road
 Baltimore, Maryland 21212
 410-372-0500

PLAT TO ACCOMPANY
ZONING PETITION
NO. 6805 YORK ROAD
 #71



Petition #2



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA

Gross area of site 0.19 acres +/-
Includes 30' of York Road and 10' of Locust Drive
Net area of site - 0.144 acres +/-
Existing zoning - BL-AS
Present use - Existing 2 Story Brick and Block Building with basement (Commercial uses)
2,700 sf +/- basement (storage)
3,830 sf +/- 1st floor (restaurants, standard and carryout)
1,572 sf +/- 2nd floor (general offices)
Proposed use - same
Floor area ratio - 0.38 existing and proposed (less than 3.0 permitted)
Amenity open space - None Required
Tax Account # - 0903476090
Dead reference - 8469/722
Councilmanic District - 4
Building height - 25 feet +/-
Previous commercial permits - unknown
Previous zoning cases - Case 4906-Variance to permit 6 parking spaces in lieu of 16 spaces granted with no restrictions.
Signage - None proposed at this time. All future signage to comply with Section 413 BCZR and all zoning sign policies
Public water and sanitary sewer facilities exist.

PARKING TABULATION

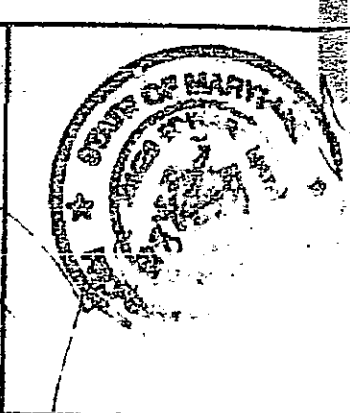
6805 YORK ROAD	
PARKING REQUIRED	
Basement	
2,700 sf Storage @ 0 sps/1,000 sf	= 0.00 spaces
First Floor	
Hoang's Seafood Carryout Restaurant 1,915 sf @ 5sp/1000 sf	= 9.58 spaces
Baltimore Bagel Company 1,915 sf Carryout Restaurant 5sp/1000 sf	= 9.58 spaces
Second Floor	
1,572 sf of General Offices @ 3.3sp/1000 sf	= 5.19 spaces
Total Parking Required utilizing Shared Parking Adjustment	
Peak Occurs at Weekday Evening From 409.66-3.	
Offices (10% of 5.19 sps.)	= 0.52 spaces
Restaurants (100% of 19.16 sps.)	= 19.16 spaces
Total Parking Required	= 20 spaces
Total Parking Provided Onsite	= 4 spaces
Variance Requested	= 16 spaces
All parking spaces to be permanently striped on a durable and dust free surface. Parking spaces 8.5' x 18' typ. 1 van accessible handicap parking space provided @ 16' wide x 18' long	

NOTES:

- The property outline shown hereon is approximate only, as compiled from deeds and tax records, and does not represent a boundary survey.
- The floor space areas shown hereon are approximate only, and are compiled from field measurements and rental information.
- The prior variance of 10 parking spaces (CASE 4906) was not utilized in determining the number of parking spaces required.

A Variance is requested to Section 409.6 BCZR to permit a total of 4 parking spaces in lieu of the required 20 spaces and to amend prior Zoning Case No. 4906 which permitted a total of 6 parking spaces in lieu of the required 16 spaces.

MATIS WARFIELD INC.
ENGINEERS
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OWNER
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6805 York Road
Baltimore, Maryland 21212
410-372-0500

REVISED SEPTEMBER 11, 1998
BY: [Signature]
FOR: [Signature]

PLAT TO ACCOMPANY
ZONING PETITION
NO. 6805 YORK ROAD
BALTIMORE, MARYLAND
SUBJECT: [Signature]
SECTION DISTRICT NO. 9
DATE: [Signature]